

**UNITED STATES OF AMERICA**

**IN THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION**

Derek Antol, individually and as next friend of  
DSAIL, a minor, and Devon S. Antol, and Tryston Antol,  
Plaintiffs,

File No: 1:17-cv-613

v.

Adam Dent, Kate Straus,  
Casey Bringedahl, Casey Trucks,  
Pete Kutches, and Western Michigan  
Enforcement Team, a public  
body organized under the laws of the  
State of Michigan,  
Defendants,

Hon. Janet T. Neff  
U.S. District Court Judge

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**PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT BY  
DEFENDANTS DENT, STRAUS, BRINGEDAHL, AND KUTCHES**

Attachment 4 – depositions of Defendant Dent

ADAM DENT  
3/30/2015

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| <p style="text-align: right;">Page 1</p> <p style="text-align: center;">STATE OF MICHIGAN<br/>IN THE 14TH CIRCUIT COURT FOR MUSKEGON COUNTY</p> <p>People of the State of Michigan,<br/>CASE NO: 14-49626-CF<br/>Plaintiff,</p> <p>v.</p> <p>\$1160.00 in U.S. Currency, et al.<br/>Defendant,<br/>Samantha Conklin,<br/>Claimant.</p> <p style="text-align: center;">The Deposition of Adam Dent,<br/>taken before me, Cassandra M. Rodriguez, CER #186, on<br/>March 30, 2015, at 1 East Apple Avenue, Muskegon, Michigan<br/>49442, commencing at or about 2:43 p.m.</p> <p>APPEARANCES:</p> <p>BY: CHARLES F. JUSTIAN, ESQUIRE<br/>SENIOR ASSISTANT PROSECUTOR<br/>990 Terrace Street, Fifth Floor<br/>Muskegon, Michigan 49442<br/>231-724-6435<br/>Appearing on behalf of the Plaintiff.</p> <p>BY: J. NICHOLAS BOSTIC, ESQUIRE<br/>BOSTIC &amp; ASSOCIATES<br/>909 North Washington Avenue<br/>Lansing, Michigan 48906<br/>517-706-0132<br/>Appearing on behalf of the Claimant.</p> <p>ALSO PRESENT: Kevin Wistrom</p> | <p style="text-align: right;">Page 3</p> <p>1 March 30, 2015<br/>2 Muskegon, Michigan<br/>3 2:43 p.m.<br/>4<br/>5<br/>6 * * * * *<br/>7 ADAM DENT,<br/>8 was thereupon called as a witness herein and, after having<br/>9 been first duly sworn to tell the truth, the whole truth and<br/>10 nothing but the truth, was examined and testified as follows:<br/>11 * * * * *<br/>12 MR. BOSTIC: Would you state your full name for<br/>13 the record, please?<br/>14 THE WITNESS: Adam Dent, D-e-n-t.<br/>15 MR. BOSTIC: Mr. Dent, my name is Nick Bostic.<br/>16 I am the attorney for the Claimants. Today is the date and<br/>17 time set for your deposition in the 14th Circuit Court, number<br/>18 14-49626, which is a forfeiture action for \$1,160.00 with<br/>19 Samantha Conklin as the Claimant; 14-49627, which is a<br/>20 forfeiture action for \$21,021.00 with Mr. Antol as a Claimant;<br/>21 14-49628, which is a forfeiture action for \$124.00 with<br/>22 Mr. Antol as a Claimant; and 14-49638, which is a forfeiture<br/>23 action for \$1,935.00 with Mr. Antol as a Claimant. You have<br/>24 testified in court before, correct?<br/>25 THE WITNESS: Yes, sir.</p>  |
| <p style="text-align: right;">Page 2</p> <p>1 INDEX<br/>2 WITNESS EXAMINED BY PAGE<br/>3 Adam Dent Mr. Bostic 4<br/>4<br/>5 * * * * *<br/>6<br/>7 INDEX OF EXHIBITS<br/>8 EXHIBIT DESCRIPTION PAGE<br/>9 Exhibit Number 1 Warrant 12<br/>10 Exhibit Number 2 Photograph 50<br/>11 Exhibit Number 3 Photograph 51<br/>12 Exhibit Number 4 Photograph 56<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  | <p style="text-align: right;">Page 4</p> <p>1 MR. BOSTIC: Have you ever testified in a<br/>2 deposition before?<br/>3 THE WITNESS: No, sir.<br/>4 MR. BOSTIC: For purposes of testifying in a<br/>5 deposition, it's similar to court. She has to have verbal<br/>6 answers to the questions so that she can make a transcript for<br/>7 us, but because it's a discovery deposition sometimes my<br/>8 questions are not as structured as they might be in court.<br/>9 THE WITNESS: Okay.<br/>10 MR. BOSTIC: Because we're here to learn and<br/>11 that sometimes leads to bad questions, so if I ask a question<br/>12 that you don't understand either because of that, I've relaxed<br/>13 the standards, or because my voice is not working well, please<br/>14 let me know. We'll rephrase it. We'll work through it. But<br/>15 if you answer the question I will assume you understood it.<br/>16 Fair enough?<br/>17 THE WITNESS: I understand.<br/>18 * * * * *<br/>19 EXAMINATION<br/>20 BY MR. BOSTIC:<br/>21 Q Tell me about your formal education.<br/>22 A I graduated high school, went to college, I have a two-year<br/>23 education in college, and through that I was trained to be a<br/>24 police officer and since then I've had hundreds of hours of<br/>25 in-service training through various schools put on throughout</p> |

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ADAM DENT  
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| <p style="text-align: right;">Page 5</p> <p>1 the state of Michigan.</p> <p>2 Q When did you graduate from high school?</p> <p>3 A 1999 and I graduated college in 2001.</p> <p>4 Q With an associate's degree?</p> <p>5 A Correct.</p> <p>6 Q In what field?</p> <p>7 A Law enforcement.</p> <p>8 Q And where did you attend police academy?</p> <p>9 A Grand Rapids Community College.</p> <p>10 Q Were you sponsored or did you go through it on your own?</p> <p>11 A Myself.</p> <p>12 Q So once you became certifiable as a police officer when was your first law enforcement job?</p> <p>13 A April 2002.</p> <p>14 Q Did you go through the academy as part of your studies for your associate's degree?</p> <p>15 A Yes.</p> <p>16 Q Okay. And in April of 2002 who hired you?</p> <p>17 A The City of Greenville.</p> <p>18 Q As a patrol officer?</p> <p>19 A Actually, it was as a seasonal bike patrol officer.</p> <p>20 Q Was that a permanent position?</p> <p>21 A No. It was seasonal, so April to -- it was supposed to be April through October.</p> <p>22 Q Was it full-time?</p>   | <p style="text-align: right;">Page 7</p> <p>1 conduct as a police officer?</p> <p>2 A None.</p> <p>3 Q At the Village of Nashville were you ever disciplined for your conduct as a police officer?</p> <p>4 A No.</p> <p>5 Q What about at the Village of Bellevue?</p> <p>6 A No.</p> <p>7 Q And have you been continuously employed as a police officer with the City of Muskegon since March of 2003?</p> <p>8 A Yes.</p> <p>9 Q Have you ever been disciplined by the City of Muskegon for your duties as a police officer?</p> <p>10 A No.</p> <p>11 Q Have you ever been arrested?</p> <p>12 A No.</p> <p>13 Q Have you ever received treatment for any psychological or mental disorder?</p> <p>14 A No.</p> <p>15 Q Have you ever been in the military?</p> <p>16 A No.</p> <p>17 Q Since working for the City of Muskegon have you held any other part-time or full-time work?</p> <p>18 A No.</p> <p>19 Q Initially, I want to take you back to 2011. Do you recall having Officer Bringedahl make a traffic stop on Mr. Antoi?</p>   |
| <p style="text-align: right;">Page 6</p> <p>1 A Correct, yeah.</p> <p>2 Q It had full law enforcement powers, correct?</p> <p>3 A Yes.</p> <p>4 Q Okay. And then what happened in October 2002?</p> <p>5 A In June or July of that year I got hired by the Village of Nashville and I worked part-time there while still working at Greenville as a patrol officer. And then right around October I was hired at the Village of Bellevue, Michigan, full-time as a patrolman.</p> <p>6 Q Bellevue, is that at the southern end of Eaton County?</p> <p>7 A Yes, sir, yeah.</p> <p>8 Q Okay. How long did you work there?</p> <p>9 A Up until March of 2003, which was when I was hired on here at the City of Muskegon.</p> <p>10 Q So you finished out your seasonal employment?</p> <p>11 A Correct.</p> <p>12 Q And then in the meantime you did a little part-time work for Nashville?</p> <p>13 A Correct. And I continued my part-time work working for Nashville while I worked at Bellevue up until I accepted Muskegon.</p> <p>14 Q Where is Nashville?</p> <p>15 A It's the southeast corner of Barry County. Nashville and Bellevue are like 15 minutes away from each other.</p> <p>16 Q At the City of Greenville were you ever disciplined for your</p> | <p style="text-align: right;">Page 8</p> <p>1 A Yes.</p> <p>2 Q Do you recall what -- when was that? Do I have the year right?</p> <p>3 A Well, I'm -- I believe. I believe you do.</p> <p>4 Q Okay. Do you remember the month?</p> <p>5 A Summer, I think, maybe.</p> <p>6 Q Did you ask him to make that stop because of some sort of a tip that you had concerning Mr. Antoi?</p> <p>7 A I asked him to make that stop because another detective on the team requested a unit make the stop. I'm the city detective that was on the team at the time and we were in the City of Muskegon, so I was making contact with our city officer to make the stop. So that's why I contacted Detective Bringedahl, or Officer Bringedahl, at the time. That was Detective Ottinger that was requesting it. Detective Ottinger had the information.</p> <p>8 Q Okay. Do you recall that there was actually some mention in that tip of Mr. Antoi being involved in heroin?</p> <p>9 A I could not truthfully answer that.</p> <p>10 Q Had you ever heard that before at the time? Does that even sound familiar to you?</p> <p>11 A I don't -- I don't think I honestly ever read the tip because the tip wasn't mine because, in general, a city narcotics detective works generally all cases involved in the City of Muskegon or any cases that are brought -- like if my general</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 investigation brings me outside of my city, then I investigate</p> <p>2 it. But otherwise, at that time, Mr. Antol's business was</p> <p>3 outside of the city. At no point did I start an investigation</p> <p>4 outside of the city. That was the detective who was from the</p> <p>5 Muskegon County Sheriff's Department who started that</p> <p>6 investigation. I did interview Mr. Antol that -- during that</p> <p>7 investigation.</p> <p>8 Q Do you recall who ended up doing the report?</p> <p>9 A I know I did the report. I'm not sure who all did reports on</p> <p>10 that day.</p> <p>11 Q Why would you have done the report?</p> <p>12 A Because I did the interviews.</p> <p>13 Q Were you present when an inspection was done of Mr. Antol's</p> <p>14 business at the time, again, back in 2011?</p> <p>15 A On Apple, the Michigan Compassion Club?</p> <p>16 Q Yes.</p> <p>17 A Yes. I think we -- I'm speaking from a long ago memory. I</p> <p>18 haven't even read the report, so --</p> <p>19 MR. JUSTIAN: Only testify as to what you</p> <p>20 recall.</p> <p>21 THE WITNESS: Yeah. So I -- I believe so,</p> <p>22 yeah. I believe it was myself and Sergeant Waltz went there</p> <p>23 with Mr. Antol under his consent.</p> <p>24 Q (Continuing by Mr. Bostic): Actually, it appears that</p> <p>25 Detective Bringedahl did the primary report.</p> | <p style="text-align: right;">Page 11</p> <p>1 A Yes.</p> <p>2 Q Where?</p> <p>3 A At the Muskegon Police Department. Both of them were</p> <p>4 interviewed at the Muskegon Police Department.</p> <p>5 Q Why were they taken to the Muskegon Police Department?</p> <p>6 A At that time, their marijuana was commingled and, obviously,</p> <p>7 this was very new under the Medical Marijuana Law. We</p> <p>8 contacted the prosecutor's office. All their marijuana was</p> <p>9 commingled and we were conducting an investigation into whose</p> <p>10 marijuana it was, if it was all Samantha's or if it was all</p> <p>11 Derek's or if it was all just theirs jointly together at that</p> <p>12 point.</p> <p>13 Q Exactly where inside the police department did you interview</p> <p>14 Ms. Conklin?</p> <p>15 A I would assume in the interview room.</p> <p>16 Q Was she chained to a piece of furniture at the time?</p> <p>17 A No. Well, I would tell you that if while she was awaiting</p> <p>18 being interviewed there is a place at the Muskegon Police</p> <p>19 Department that there's a chain to the wall that she would</p> <p>20 have had one handcuff to while she was awaiting the interview,</p> <p>21 so that -- as to not be able to escape if that's where she</p> <p>22 was, but I'm not 100 percent sure on that.</p> <p>23 Q Did you chain her to the wall?</p> <p>24 A No. I wasn't the person who stopped her. I didn't transport</p> <p>25 her. I did not place her down there.</p> |
| <p style="text-align: right;">Page 10</p> <p>1 MR. JUSTIAN: Are we talking about the stop now</p> <p>2 or are we talking about the --</p> <p>3 MR. BOSTIC: 2011.</p> <p>4 MR. JUSTIAN: -- business?</p> <p>5 Q (Continuing by Mr. Bostic): On that -- April 25, 2011,</p> <p>6 according to Officer Bringedahl's report, do you recall</p> <p>7 whether you had any direct contact with Mr. Antol?</p> <p>8 A Yes, I'm sure I did. At the police department I interviewed</p> <p>9 him.</p> <p>10 Q So if the report says that Officer Bringedahl was asked by you</p> <p>11 to make the traffic stop the reason was because you were the</p> <p>12 liaison with the uniform for where the stop would occur?</p> <p>13 A That was correct.</p> <p>14 Q It was not -- you were not working your own tip?</p> <p>15 A It was not my investigation, no.</p> <p>16 Q Okay. Do you recall any of the details of your interaction</p> <p>17 with Mr. Antol?</p> <p>18 A Not without reading the report I could not --</p> <p>19 Q Yeah. "I don't recall" is a perfectly legitimate answer.</p> <p>20 A Yeah. No, I don't. I don't recall.</p> <p>21 Q Okay. Do you recall any of your contact with Samantha Conklin</p> <p>22 from 2011?</p> <p>23 A I recall that she was in the vehicle and she was interviewed.</p> <p>24 I don't recall her statement at the time.</p> <p>25 Q Did you interview her?</p>                              | <p style="text-align: right;">Page 12</p> <p>1 Q During 2011 did you undertake any other investigative</p> <p>2 activities concerning Mr. Antol?</p> <p>3 A I believe in that report, no, just with what was in that</p> <p>4 report. I think maybe he -- but I can't be 100 percent sure.</p> <p>5 I think he might have brought us to his grow where he was</p> <p>6 living at the time, as well. It might have been Montgomery or</p> <p>7 somewhere on --</p> <p>8 Q So in addition to the club, compassion club, you went</p> <p>9 somewhere else and checked some plants or something?</p> <p>10 A Yeah, I believe so.</p> <p>11 Q During 2011 did you do any other investigation concerning</p> <p>12 Ms. Conklin?</p> <p>13 A No.</p> <p>14 Q Was there a time when you became aware that the compassion</p> <p>15 club stopped doing whatever it was doing and he took up</p> <p>16 business on East Apple?</p> <p>17 A Yes.</p> <p>18 Q Do you recall when you became aware of that?</p> <p>19 A Shortly before we made the buy into the business in -- what</p> <p>20 was it, 2012? If you don't mind, could I quick glance at my</p> <p>21 date?</p> <p>22 Q I'm going to cure that for you with an exhibit.</p> <p>23 A That would have been 2013 then.</p> <p>24 (At or about 3:02 p.m., Exhibit Number 1 was</p> <p>25 marked for identification.)</p>   |

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ADAM DENT  
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| <p style="text-align: right;">Page 13</p> <p>1 Q (Continuing by Mr. Bostic): All right. I'm showing you a<br/>2 two-page document that's been marked as Deposition Exhibit 1.<br/>3 Do you recognize that document?<br/>4 A Yes, I do.<br/>5 Q What do you recognize it to be?<br/>6 A The search warrant I obtained on July 9th, 2014 for 885 East<br/>7 Apple, more commonly known as Denes Wild smoke shop or<br/>8 dispensary.<br/>9 Q All right. Under the third bold entry, see paragraph 2. It<br/>10 says, "On June 4, 2013."<br/>11 A Yes, sir.<br/>12 Q Is that the buy that you were making reference to?<br/>13 A Yes, sir.<br/>14 Q And who made that undercover buy?<br/>15 A I did, sir.<br/>16 Q How were you dressed when you did that?<br/>17 A I would say typical, like I am today. I couldn't tell you<br/>18 exactly what I was wearing, but I was wearing plain clothes.<br/>19 Q Did you have any adornments on your clothing indicating<br/>20 culture, you know, for marijuana or anti-police or anything of<br/>21 that nature, any symbols? Did you use any of that kind of<br/>22 stuff?<br/>23 A No.<br/>24 Q Did you normally do that when you worked in an undercover<br/>25 capacity?</p>   | <p style="text-align: right;">Page 15</p> <p>1 A Just the medical marijuana paper, no.<br/>2 Q Okay. So you take -- when you -- you fill out the fake<br/>3 medical marijuana application. You take a legitimate form off<br/>4 the internet, I suppose, and you fill it out, correct?<br/>5 A Yes.<br/>6 Q With your fake name or your real name?<br/>7 A Fake, fictitious.<br/>8 Q Okay. And then do you send it in to the Department of<br/>9 Licensing and Regulatory Affairs?<br/>10 A No, sir.<br/>11 Q So when you went on June 4th and dealt with this fellow here<br/>12 did you have a medical marijuana card, the hard plastic card?<br/>13 MR. JUSTIAN: I'm going to object because I<br/>14 didn't know that you established who he dealt with.<br/>15 MR. BOSTIC: Okay.<br/>16 MR. JUSTIAN: You're saying a fellow now. I<br/>17 don't know if he dealt with a fellow or Conklin or who.<br/>18 Q (Continuing by Mr. Bostic): All right. When you went in on<br/>19 June 4th did you have the hard plastic medical marijuana card?<br/>20 A No, sir.<br/>21 Q Okay. So you went in with the paperwork and the fake<br/>22 cancelled check as your evidence of being valid?<br/>23 A I went in with it, correct, yes, sir.<br/>24 Q Okay. And you were assuming that they would rely then on the<br/>25 fact that under the law if you have proof of payment you're</p> |
| <p style="text-align: right;">Page 14</p> <p>1 A No. It might have been hoodie, baseball hat. Like that's<br/>2 very typical but, you know, maybe a t-shirt.<br/>3 Q Okay. Now, the paragraph in this affidavit indicates that you<br/>4 had a previously prepared fictitious application for a<br/>5 Michigan Medical Marijuana card. Do you see that?<br/>6 A Yes, sir.<br/>7 Q So did you take one of the forms from the Department of<br/>8 Licensing and Regulatory Affairs and fill it out?<br/>9 A Correct.<br/>10 Q And when you got assigned to the State Police drug team from<br/>11 the City of Muskegon were you provided with a fake<br/>12 identification?<br/>13 A Yes.<br/>14 Q And does it have a different name, driver's license number,<br/>15 date of birth? I mean, it's truly a fictitious persona, but<br/>16 it's on a legitimate driver's license, correct?<br/>17 A That is correct.<br/>18 Q And besides that driver's license did you have any other<br/>19 officially issued cards or information?<br/>20 A No. The paperwork and a cancelled check, like a fictitious<br/>21 cancelled check that we prepared.<br/>22 Q Under that fake name just so you had some other --<br/>23 A Correct.<br/>24 Q Okay. So you have the driver's license and a fictitious<br/>25 cancelled check. Anything else?</p> | <p style="text-align: right;">Page 16</p> <p>1 good, I don't know, 20 days later or whatever it says?<br/>2 A Correct, for myself to possess it, yes.<br/>3 Q On your fake paperwork were you allowed to possess plants?<br/>4 A I don't recall.<br/>5 Q Okay.<br/>6 A I don't believe I put a caregiver down or anything like that,<br/>7 so I don't recall.<br/>8 Q Do you still have that paperwork somewhere?<br/>9 A Yes. It's been supplied to the prosecutor's office.<br/>10 Q Okay. It's probably in the criminal case --<br/>11 A Correct.<br/>12 Q -- we got it through discovery?<br/>13 A Yes, sir.<br/>14 Q Okay. I'm trying to segregate things for purposes of the<br/>15 deposition and it's kind of hard. What disease did you --<br/>16 what debilitating medical condition did you claim?<br/>17 A Crohn's.<br/>18 Q Anything else?<br/>19 A No, sir.<br/>20 Q Did you familiarize yourself with the symptoms of Crohn's<br/>21 disease?<br/>22 A Not really, no.<br/>23 Q Do you actually suffer from Crohn's disease?<br/>24 A No, sir.<br/>25 Q Do you know anybody that does?</p>  |

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| <p style="text-align: right;">Page 17</p> <p>1 A No, sir.</p> <p>2 Q But you did know that it was a listed condition?</p> <p>3 A Correct.</p> <p>4 Q So when you arrive on June 14, 2013 who do you first interact with at Deuces Wild?</p> <p>5 A Samantha.</p> <p>6 Q Okay. Inside the building or outside?</p> <p>7 A Inside.</p> <p>8 Q Tell me about that conversation.</p> <p>9 A I just went up to her and showed her my paperwork and my card and basically asked how I could, you know, get some marijuana.</p> <p>10 Q Well, you said you showed her your paperwork and your card?</p> <p>11 A And my driver's license.</p> <p>12 Q Okay. Your ID?</p> <p>13 A Sorry.</p> <p>14 Q Okay. And what did she say in response?</p> <p>15 A She looked over my paperwork and said I'm all set and showed me to the back room.</p> <p>16 Q Now, the back room, you're referring to the southern portion of the building?</p> <p>17 A Correct.</p> <p>18 Q And there's a doorway that leads into that southern portion, correct?</p> <p>19 A Correct.</p> <p>20 Q And do you agree that there's some sort of a fake wall or half</p>  | <p style="text-align: right;">Page 19</p> <p>1 Q Were there any labels or price lists, things of that nature?</p> <p>2 A Yes.</p> <p>3 Q Tell me about your conversation with this Nick fellow.</p> <p>4 A Nick spoke to me for a little while. He did ask me what my ailment was. I told him it was Crohn's and then he didn't -- then he just asked me what I liked and went and started going through different strains and different smells and different types of marijuana that he -- that they had for sale at that point.</p> <p>5 Q Did he look at your paperwork again?</p> <p>6 A No, not at all.</p> <p>7 Q Had she given it back to you?</p> <p>8 A Yes, yes.</p> <p>9 Q Did you make a selection?</p> <p>10 A Yes, yes.</p> <p>11 Q Do you recall how much either in quantity or how much --</p> <p>12 A It was something around four grams.</p> <p>13 Q Okay. About how much did you pay?</p> <p>14 A Like \$40.00, \$45.00.</p> <p>15 Q And then was that pretty much the extent of your interaction with Nick?</p> <p>16 A Yes.</p> <p>17 Q As you left did you have any conversation with Ms. Conklin?</p> <p>18 A I don't believe so.</p> <p>19 Q Did you even see her as you were leaving?</p>                     |
| <p style="text-align: right;">Page 18</p> <p>1 wall or something there that if you're in the main part of the store it prevents you from being able to see that door?</p> <p>2 A Yes.</p> <p>3 Q And so that's -- you went around that wall and did you -- did she escort you back there?</p> <p>4 A Yeah. She led me back there.</p> <p>5 Q Was it locked?</p> <p>6 A No.</p> <p>7 Q So she didn't unlock it, but she did take you back there?</p> <p>8 A Yes.</p> <p>9 Q Did she go with you?</p> <p>10 A A portion of the way and then introduced me to that Nick guy that was back there who was dispensing the marijuana.</p> <p>11 Q Okay. So describe for me when you go through that door are you in a hallway?</p> <p>12 A Yes.</p> <p>13 Q And then what happens?</p> <p>14 A It opens -- there's like a doorway to the right, maybe a few doors to the right, and then opens up to the left where there's the counter, where there's some marijuana in smaller jars, and then there's, you know, a back shelving area where there's more marijuana and, you know, there was -- underneath the glass counter, I believe, is where the marijuana was that you would pull it out, you know, to let you smell. And then there was a cash register, digital scales.</p> | <p style="text-align: right;">Page 20</p> <p>1 A I think she was just sitting out front in the front room.</p> <p>2 Q In June of 2014 do you recall seeing any signs by the door that goes into the southern portion of the building?</p> <p>3 A Not that I remember.</p> <p>4 Q Okay.</p> <p>5 A Not that I specifically remember, no. I remember in the back room there was some sign about Derek and Samantha, no deals, you know, payment right away or something to that effect, but that's the only specific sign that I remember.</p> <p>6 Q Did you have any type of recording device on you at the time?</p> <p>7 A You're talking about 2014 when we're doing the search warrant or are you going --</p> <p>8 Q No. All of these questions have been talking about June 4th of 2013.</p> <p>9 A You just said '14 just a second ago.</p> <p>10 Q Okay.</p> <p>11 MR. JUSTIAN: So would you correct your answer then --</p> <p>12 THE WITNESS: Okay.</p> <p>13 MR. JUSTIAN: -- regarding what signage you may have seen?</p> <p>14 THE WITNESS: Okay. That sign I was just referring to is the search warrant in 2014.</p> <p>15 Q (Continuing by Mr. Bostic): Okay.</p> <p>16 A I don't recall any signs at all of 2013.</p> |

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| <p style="text-align: right;">Page 21</p> <p>1 Q Either by the door or in the back?</p> <p>2 A That is correct.</p> <p>3 Q Did you ever submit a warrant request for anyone concerning</p> <p>4 the June 4, 2013 transaction?</p> <p>5 A No. It was an ongoing investigation.</p> <p>6 Q Well, I know it was an ongoing investigation, but did you</p> <p>7 ever -- up to this day have you ever submitted a warrant</p> <p>8 request?</p> <p>9 A Yes.</p> <p>10 Q For that buy?</p> <p>11 A Oh, yeah, absolutely.</p> <p>12 Q What happened to it?</p> <p>13 A It's currently going through court. They issued one count</p> <p>14 of --</p> <p>15 Q I see what you're saying. In your mind, the dates of the</p> <p>16 current conspiracy charge include this?</p> <p>17 A That is correct.</p> <p>18 Q I got you. Okay.</p> <p>19 A Instead of charging Samantha with multiple counts they did one</p> <p>20 conspiracy count at this time.</p> <p>21 Q Okay. And then, I don't know, is Nick co-Defendant? This</p> <p>22 particular guy, is he even --</p> <p>23 A I don't believe they decided to charge Nick at that point.</p> <p>24 Q Okay. Now, on June 18th, paragraph 3, did you have any</p> <p>25 contact with Ms. Conklin on June 18th, 2013?</p>   | <p style="text-align: right;">Page 23</p> <p>1 A It was not locked.</p> <p>2 Q Okay.</p> <p>3 A That is correct.</p> <p>4 Q Now, I'm going to go back to --</p> <p>5 A I didn't have to knock. She didn't have to come answer it.</p> <p>6 Nothing like that, so I know I just was allowed to go back.</p> <p>7 Q I'm going to go back to June 4 a minute and clarify something.</p> <p>8 You recall -- you testified earlier I think that she opened</p> <p>9 the door, got started with you going down the hallway, and</p> <p>10 then where did she go?</p> <p>11 A She left and went back up front. She either led me around</p> <p>12 that partition and said, "Go down that door -- so if the</p> <p>13 partition's here and the door -- walkway is towards you,</p> <p>14 right, if it's -- the table is the partition, she either</p> <p>15 walked me around and said, "Go down that door," or opened the</p> <p>16 door and said, "Go down." I don't remember if the door was</p> <p>17 open or closed.</p> <p>18 Q Okay. But --</p> <p>19 A I don't think she had the key to open it or anything to that</p> <p>20 effect.</p> <p>21 Q Was it your understanding that she essentially had to go back</p> <p>22 out and work the front of the store?</p> <p>23 A Yeah. Like she went back out to the front and watched the</p> <p>24 front of the store, yes.</p> <p>25 Q Okay. So she was not present --</p> |
| <p style="text-align: right;">Page 22</p> <p>1 A Yes.</p> <p>2 Q Tell me about that.</p> <p>3 A On June 18th, I went in. Nick was working the front area.</p> <p>4 Nick remembered me. I didn't have to show him any of my</p> <p>5 paperwork or anything. He allowed me to go to the back. He</p> <p>6 didn't lead me to the back. The door was as I recall -- I</p> <p>7 believe it was shut. No, maybe it was open. Either way, I</p> <p>8 was able to go into the back area and then I had to wait</p> <p>9 because there was a Hispanic gentleman that was being tended</p> <p>10 to or sold to by Samantha at that time, so I stood by and</p> <p>11 waited for that sale to finish and then, yeah, a male</p> <p>12 exchanged \$10.00 -- purchased \$10.00 of marijuana and then I</p> <p>13 purchased an additional \$30.00 of marijuana from Samantha.</p> <p>14 Q So the roles were reversed this time?</p> <p>15 A That is correct.</p> <p>16 Q Between Nick and Samantha?</p> <p>17 A That is correct.</p> <p>18 Q Okay.</p> <p>19 A I think --</p> <p>20 Q But because Nick was out front and he remembered you, you</p> <p>21 didn't have to show your paperwork again?</p> <p>22 A I didn't have to show him my paperwork. He just said, "Hey, I</p> <p>23 remember you. Slide on back."</p> <p>24 Q All right. You can't remember if the door was open or closed,</p> <p>25 but can you safely say that it was not locked?</p> | <p style="text-align: right;">Page 24</p> <p>1 A During the sale.</p> <p>2 Q -- during the sale?</p> <p>3 A No.</p> <p>4 Q I'm correct?</p> <p>5 A Correct.</p> <p>6 Q Okay. On June 4 --</p> <p>7 A She just basically approved my paperwork that day.</p> <p>8 Q On June 4, 2013, were you wearing a device to record what</p> <p>9 happened?</p> <p>10 A Yes. On the June 4th date, yes.</p> <p>11 Q And what about on June 18th?</p> <p>12 A June 18th, no, I did not bring it.</p> <p>13 Q Why?</p> <p>14 A On June 4th -- I'll tell you why June 4th we were. On June</p> <p>15 4th I went in every dispensary in the City of Muskegon and</p> <p>16 tried to make purchase attempts and Deuces Wild was the only</p> <p>17 one that made a sale, so we held the recorder for every</p> <p>18 attempt. So after that sale we preserve that video and on</p> <p>19 June 18th it's not -- it's very -- it's not typical for us to</p> <p>20 use the recorder unless it's like a homicide investigation or</p> <p>21 something like that, so it's very, very seldom that we use it.</p> <p>22 Q Okay.</p> <p>23 A So on June 18th that's why I didn't use it. It's not -- we're</p> <p>24 always microphoned up anyways, so it's very -- so the team</p> <p>25 knows what's going on, so they -- they knew what was going on</p>  |

6 (Pages 21 to 24)

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| <p style="text-align: right;">Page 25</p> <p>1 during the time when I was in there anyways. They could hear<br/>2 the transaction from outside.<br/>3 Q Well, you're talking about your body transmitter. That's a<br/>4 safety device, correct?<br/>5 A Correct. But they can hear what's going on. They know what's<br/>6 going on while I'm in there for safety purposes and to<br/>7 actually know what's going on.<br/>8 Q Now, during 2013 was there an attempt by you to purchase<br/>9 again?<br/>10 A No. I made no more attempts.<br/>11 Q Did anybody on the WEMET team in 2013 again attempt to<br/>12 purchase at Deuces Wild?<br/>13 A Yes.<br/>14 Q Who?<br/>15 A Detective Bahorski, who is now a sergeant.<br/>16 Q Spell that one for us.<br/>17 A B-a-h-o-r-s-k-i.<br/>18 Q All right. And do you recall when that happened?<br/>19 A I would say months later, sometime late August or so. He made<br/>20 two attempts and I could tell you -- well, I guess I'll wait<br/>21 for the question.<br/>22 Q I'm just going to have you review that and ask you to look at<br/>23 that journal entry on August 28th, 2013. What is that telling<br/>24 you?<br/>25 A Reviewed, let's get back and try a second detective. And</p> | <p style="text-align: right;">Page 27</p> <p>1 journal. I never did, so I guess -- and neither did the<br/>2 lieutenant, so I don't know why they were never notated.<br/>3 Q So in a perfect world somebody would have at least made a<br/>4 journal entry?<br/>5 A Yeah. In a perfect world, absolutely.<br/>6 Q Okay. So does that paragraph help you remember when his two<br/>7 attempts occurred?<br/>8 A Unfortunately, no.<br/>9 Q Okay. So it could have been anytime between -- apparently,<br/>10 between August of 2013 and July of 2014?<br/>11 A Detective Bahorski at this time had been promoted to a<br/>12 sergeant for probably six months, so he had been off the team<br/>13 since almost January. So that's why I'm telling you it was<br/>14 probably late summer when he was in there.<br/>15 Q But you can pretty safely say that at the latest it was late<br/>16 2013 or --<br/>17 A Correct.<br/>18 Q -- prior to his promotion?<br/>19 A Yes. Absolutely, yeah. He didn't -- I know -- I don't think<br/>20 he made any attempts. He was on our team for like a month or<br/>21 two as a sergeant, but after that then he went back to the<br/>22 road.<br/>23 Q Do you have any specific recollection of listening to the<br/>24 transmitter or debriefing him or him telling you about why he<br/>25 was unable to make a buy?</p>  |
| <p style="text-align: right;">Page 26</p> <p>1 then, again, October 2nd, let's attempt to get back.<br/>2 Q And that's the lieutenant --<br/>3 A Fias.<br/>4 Q -- who's monitoring the progress of the cases?<br/>5 A That is correct.<br/>6 Q This is page 1 of supp 3 of your report. See that first<br/>7 paragraph under "summary"?<br/>8 A Yes, sir.<br/>9 Q That's where you're talking about Detective Bahorski made an<br/>10 effort?<br/>11 A Yeah.<br/>12 Q One or two?<br/>13 A Two. Well, I said at least two because I could recall two.<br/>14 Q Okay. Who authored that report?<br/>15 A I did.<br/>16 Q At the time you made that entry what were you referring to<br/>17 confirm those two attempts?<br/>18 A I'm sorry. What?<br/>19 Q How did you know that those occurred? I mean, because you're<br/>20 doing your report in July of 2014. How did you know there<br/>21 were two more attempts?<br/>22 A Because I was present during those two attempts.<br/>23 Q Are those documented anywhere?<br/>24 A No. And I don't know why. I couldn't tell you why they were<br/>25 never documented. Detective Bahorski never wrote them in the</p>  | <p style="text-align: right;">Page 28</p> <p>1 A Yes. Specifically why, it was stated in the report that both<br/>2 times that there were employees inside and that neither --<br/>3 because he -- well, let me start from the beginning.<br/>4 Detective Bahorski did the same thing I did. He had a<br/>5 fictitious Michigan driver's license and he prepared<br/>6 fictitious medical marijuana paperwork. Okay. So he went<br/>7 into the Deuces Wild store with the same premise, so as to not<br/>8 taint the case, as to not try to fool them with a hard card,<br/>9 and when he went in the store he went to the employees that<br/>10 were working at the time and both times was told Derek or<br/>11 Samantha are not there and they're the ones that have to<br/>12 approve paperwork and because they were not there to approve<br/>13 the paperwork he could not make any purchases.<br/>14 Q So we don't even know whether anybody was in the back room at<br/>15 the time?<br/>16 A That is correct, yeah.<br/>17 Q He never got past the --<br/>18 A He never got past into the back room.<br/>19 Q All right. Now, so you're telling me that in June of 2014, on<br/>20 a particular day, June 4, your team decides to try to make a<br/>21 buy from every place in the City of Muskegon that you thought<br/>22 was a dispensary?<br/>23 A That's correct.<br/>24 Q Had there been anything that led up to that in terms of a<br/>25 specific directive from --</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 A Yes.</p> <p>2 Q Okay. Tell me about that.</p> <p>3 A Our chief from the city said, "I want you to -- apparently,</p> <p>4 these dispensaries are selling illegally. I want you to see</p> <p>5 if they are and if they are, I want you to take proactive</p> <p>6 action on them." So, therefore, we made attempts.</p> <p>7 Q Now, is Detective Bringedal on the team by June of 2013?</p> <p>8 A No, sir.</p> <p>9 Q So you're the -- you're the City of Muskegon representative?</p> <p>10 A Myself and Detective Bahorski, correct. So at that point --</p> <p>11 Q So your police chief --</p> <p>12 A Directs --</p> <p>13 Q Asks you as -- with WEMET's resources to do this?</p> <p>14 A Absolutely.</p> <p>15 Q Do you know what prompted the chief to want to do it at this</p> <p>16 particular time?</p> <p>17 A No.</p> <p>18 Q When he gave you those instructions did he single out Deuces</p> <p>19 Wild?</p> <p>20 A No, no. Absolutely, no.</p> <p>21 Q It literally was every place that we think is a dispensary?</p> <p>22 A Correct. We tried every -- we tried Diane's up on Ottawa. We</p> <p>23 tried -- we tried the ones on the border of the city, as well.</p> <p>24 There was -- they're closed down now, but the People's Center</p> <p>25 that's on Lincoln that's just outside of the city; Big Blue</p> | <p style="text-align: right;">Page 31</p> <p>1 A Yeah.</p> <p>2 Q But my question is these businesses made the list. My</p> <p>3 question is did the chief tell you why Deuces Wild was on that</p> <p>4 list?</p> <p>5 A No. The chief doesn't tell me. The chief will go through my</p> <p>6 sergeant or the lieutenant that's on the team. The chief</p> <p>7 would not tell me.</p> <p>8 Q So this directive you didn't get directly from the chief?</p> <p>9 A No.</p> <p>10 MR. JUSTIAN: I might have misunderstood, but I</p> <p>11 thought he had said the chief didn't say Deuces Wild?</p> <p>12 THE WITNESS: That is correct. The chief did</p> <p>13 not -- the chief said -- my understanding is the chief gave a</p> <p>14 directive to attempt to, you know, see if these dispensaries</p> <p>15 are operating correctly under the law or not or if they are</p> <p>16 actual dispensaries, each -- every dispensary in the city.</p> <p>17 Q (Continuing by Mr. Bostic): Right. Did you have that</p> <p>18 conversation with the chief?</p> <p>19 A No.</p> <p>20 Q Who did you have that conversation with?</p> <p>21 A My sergeant at the time. Or, actually, I think it was just</p> <p>22 the lieutenant. I don't even think there was a sergeant on</p> <p>23 the team at the time.</p> <p>24 Q Lieutenant Fias?</p> <p>25 A Yes, I believe so.</p>   |
| <p style="text-align: right;">Page 30</p> <p>1 Hydroponics we got tips on at that time, that's on Ottawa, as</p> <p>2 well; and then we tried Deuces Wild and there was one more at</p> <p>3 that time that was on like Henry just north of Sherman, but</p> <p>4 that never made it. Kevin knows what I'm talking about.</p> <p>5 Q Yeah. I do, too. If you know, had tips come in or what made</p> <p>6 the chief think that Deuces Wild was selling either in the</p> <p>7 front part or the back part of the store?</p> <p>8 A No. I don't think it was Deuces Wild. I think it was we have</p> <p>9 dispensaries that are operating in the gray area of the law.</p> <p>10 This is my assumption. I was not specifically told this. I</p> <p>11 was told just to --</p> <p>12 MR. JUSTIAN: Only answer what you know.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. BOSTIC: Yeah.</p> <p>15 MR. JUSTIAN: If you don't know, say you don't</p> <p>16 know.</p> <p>17 THE WITNESS: Then I guess I couldn't tell you.</p> <p>18 Q (Continuing by Mr. Bostic): Right. That's fine.</p> <p>19 A I don't know.</p> <p>20 Q That's fine.</p> <p>21 A I could tell you it was not a specific directive towards</p> <p>22 Deuces Wild.</p> <p>23 Q I know, but --</p> <p>24 A That's why we went towards six places.</p> <p>25 Q I understand that.</p>   | <p style="text-align: right;">Page 32</p> <p>1 Q All right. So the chief gets ahold of the leader of WEMET?</p> <p>2 A Correct.</p> <p>3 Q And makes the request?</p> <p>4 A Correct.</p> <p>5 Q All right.</p> <p>6 A And because I'm a city detective it's my job.</p> <p>7 Q All right. Now, so the chief essentially leaves it up to</p> <p>8 Lieutenant Fias to decide who makes the list?</p> <p>9 A No. Lieutenant Fias made the decision we are trying every</p> <p>10 dispensary in the city.</p> <p>11 Q All right. And did Lieutenant Fias tell you how or why Deuces</p> <p>12 Wild ended up on the list?</p> <p>13 A Because I think we -- no. I would say no.</p> <p>14 Q Okay. Well, as of June of 2013 had you specifically, just</p> <p>15 you, received any tips concerning Deuces Wild or the southern</p> <p>16 portion of Deuces Wild?</p> <p>17 A It was well-known that Deuces Wild was operating as a</p> <p>18 dispensary.</p> <p>19 Q Okay. Let's talk about well-known. What were the sources?</p> <p>20 MR. JUSTIAN: I'm going to object to any</p> <p>21 sources, any confidential sources, he is not going to name.</p> <p>22 Q (Continuing by Mr. Bostic): I don't mean naming CIs. I mean,</p> <p>23 you know, citizen complaints, anonymous tips, traffic stops</p> <p>24 with intelligence. I mean, just where is this coming from?</p> <p>25 A The fact that Derek and Sam had the shop open before that was</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 a compassion club. The assumption was, you know, pretty good<br/>2 that they were still operating a compassion club or<br/>3 dispensary. There had been traffic stops, I believe, of<br/>4 people who had said they had received their, you know,<br/>5 marijuana from Deuces Wild and I believe anonymous tips that<br/>6 came over through Silent Observer.<br/>7 Q Okay. So an officer might make a traffic stop for running a<br/>8 red light down on Apple and during that stop he finds a baggie<br/>9 of marijuana and he says to the driver, "Where did you just<br/>10 get this from?" Or, "Where do you get your -- and that would<br/>11 be a source?"<br/>12 A Correct.<br/>13 Q Okay. Now, as far as you know, was -- and, again, focusing on<br/>14 June 2013, did WEMET maintain an intelligence file on Derek<br/>15 Antol?<br/>16 A No.<br/>17 Q What about on Samantha Conklin?<br/>18 A No.<br/>19 Q What about on the business?<br/>20 A No.<br/>21 Q As far as you know, did the City of Muskegon Police Department<br/>22 maintain an intelligence file on any of those three?<br/>23 A Not that I'm aware of.<br/>24 Q Okay. In addition to this directive that came through<br/>25 channels to you are you aware of any type of operational plan</p>                | <p style="text-align: right;">Page 35</p> <p>1 A That is correct.<br/>2 Q Did you do surveillance notes?<br/>3 A I don't recall and if I did they were typed and added to the<br/>4 report.<br/>5 Q And that was most likely disclosed through the other --<br/>6 A Criminal case.<br/>7 Q -- criminal case? So it was just you and Detective<br/>8 Bringedal?<br/>9 A That is correct.<br/>10 Q All right. And you said the 8th. Did you mean July 8th?<br/>11 A July 8th, 2014.<br/>12 Q And so between Bahorski's two attempts and July 8th, 2014 is<br/>13 it your testimony that there was no other investigative<br/>14 activity for either the business, Ms. Conklin, or Mr. Antol?<br/>15 MR. JUSTIAN: As far as he is aware?<br/>16 Q (Continuing by Mr. Bostic): As far as you participated in.<br/>17 A Yeah. There might have been some surveillance now and again<br/>18 on the business, but nothing that was -- nothing to note.<br/>19 Q Okay.<br/>20 A Just to make sure they were still operating or -- but that<br/>21 would be it.<br/>22 Q As far as you know, whether you -- even if you weren't<br/>23 personally involved did any other WEMET members conduct any<br/>24 investigative activity?<br/>25 A No.</p>   |
| <p style="text-align: right;">Page 34</p> <p>1 to target Antol or Deuces Wild?<br/>2 A There is none.<br/>3 Q Are you aware of any general plan that sets up standard<br/>4 operating procedures for the City of Muskegon Police<br/>5 Department to utilize fire marshal, building department, code<br/>6 compliance, WEMET, et cetera, to focus on these dispensaries?<br/>7 A Not that I'm aware of. You know, orders roll down to me.<br/>8 Q Right.<br/>9 A And I follow them. So I have no idea what the fire marshal,<br/>10 code compliance, or any of those people are doing or who<br/>11 controls them all, I guess.<br/>12 Q So if there is such a plan it's above your pay grade?<br/>13 A Way above my pay grade.<br/>14 Q Okay.<br/>15 A And it would be hard for me to believe that there's multiple<br/>16 other dispensaries that are operating still.<br/>17 Q Now, moving forward to July 9, 2014, other than Detective<br/>18 Bahorski's two attempts were you personally involved in any<br/>19 other investigative activity concerning Deuces Wild?<br/>20 A Yes.<br/>21 Q What was that?<br/>22 A On the 8th we, myself and Detective Bringedal, conducted<br/>23 surveillance on Derek and Samantha, Deuces Wild, and their new<br/>24 residence and their old residence.<br/>25 Q Farr Road and Green Creek?</p> | <p style="text-align: right;">Page 36</p> <p>1 Q All right. What prompted you to do the surveillance on July<br/>2 8, 2014?<br/>3 A As you saw in those reports, those numerous journal notes,<br/>4 saying that the report was reviewed and every month the<br/>5 report's stuck on my desk and I needed to clear the case up.<br/>6 We had a consultation with the prosecutor's office the week<br/>7 before and I was just going to shear up some addresses and if<br/>8 I had enough information, possibly seek to obtain a record<br/>9 search warrant based on my prior buys and new surveillance or<br/>10 updated surveillance.<br/>11 Q Well, you have in front of you there Exhibit 1 for your<br/>12 deposition, which talks about -- well, that's your affidavit<br/>13 that you explained to the magistrate why you thought you had<br/>14 probable cause, correct?<br/>15 A Yes, sir.<br/>16 Q Is there any particular reason that you left out the two<br/>17 failed buys by Detective Bahorski?<br/>18 A I believe it slipped my mind at that point. That's the only<br/>19 thing I can -- the reason I could explain it.<br/>20 Q And what did your surveillance disclose on July 8, 2014?<br/>21 A That the business was still operating. We saw Derek and<br/>22 Samantha both living or in and out of the address on North<br/>23 Green Creek and that the Farr Road address had somebody else<br/>24 inside and out of it and, I mean, basically, that. We watched<br/>25 them for I think it was an hour or two hours, but they had</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 both ended up leaving. Once we made sure that they were<br/>2 still -- they were living on North Green Creek and we had a<br/>3 newer address for them.<br/>4 Q Did either of them during the surveillance go to 885 East<br/>5 Apple?<br/>6 A I don't recall.<br/>7 Q On July 9th, 2014 what was the method of you first learning<br/>8 that anything had happened at Deuces Wild involving law<br/>9 enforcement?<br/>10 A Detective Marshall received a phone call from Detective<br/>11 Sergeant Karl Schmitz.<br/>12 Q Were you present? Could you hear Detective Marshall's end of<br/>13 the conversation?<br/>14 A Yeah. Yes, I mean, I was in the room.<br/>15 Q Okay. Do you remember any of the details?<br/>16 A Just that he -- what he was telling -- I guess I can't recall<br/>17 exactly what he was saying, but he was -- I remember him<br/>18 specifically telling me that Tobacco Tax is at 885 East Apple<br/>19 and that they're inside and that they found a bunch of -- or<br/>20 that they could see a bunch of marijuana inside.<br/>21 Q Prior to July 9, 2014 had you ever met Greg Parolini from the<br/>22 Department of Treasury?<br/>23 A Never.<br/>24 Q Prior to July 9, 2014 had you ever met Karl Schmitz?<br/>25 A Once.</p>   | <p style="text-align: right;">Page 39</p> <p>1 knew all the details for the case anyways, so that was my<br/>2 choice to go get the search warrants anyways.<br/>3 Q When you say you knew all the details, primarily, you had done<br/>4 surveillance the previous day and you had made the buys the<br/>5 previous year. That's what you're referring to?<br/>6 A That is correct.<br/>7 Q At any point in time were you -- was it on your mind in 2014<br/>8 what had happened back in 2011?<br/>9 A No, not at all.<br/>10 Q And, ultimately, what happened in 2011? After you interviewed<br/>11 both of them and you inspected the business and inspected the<br/>12 home, what happened?<br/>13 A The prior county prosecutor decided not to charge them.<br/>14 Q Who is the prior county prosecutor?<br/>15 A Tony Tague.<br/>16 Q Okay. And did you return -- but you had not only inspected<br/>17 the house and the business, you actually seized stuff from<br/>18 those locations, right?<br/>19 A We didn't seize anything from the house.<br/>20 Q Okay. What did you seize from the compassion club?<br/>21 A Nothing.<br/>22 Q You don't recall having to give back the property?<br/>23 A The only thing we seized from my recollection is the stuff<br/>24 that was in the vehicle.<br/>25 Q Okay. Do you recall having to give that back?</p>      |
| <p style="text-align: right;">Page 38</p> <p>1 Q Tell me about that.<br/>2 A We assisted the Tobacco Tax Team on a search warrant in the<br/>3 South Heights like Fifth or Sixth Street, like 3300 block for<br/>4 a DVD fraud counterfeit case.<br/>5 Q Okay.<br/>6 A That was, you know, a long, long time ago. Or, I mean, it was<br/>7 months before this case, but a long time ago from now.<br/>8 Q Did you have any other -- did you have any really direct<br/>9 interaction with Mr. Schmitz during that?<br/>10 A No, no. I worked with Trooper Vogt on his team from that to<br/>11 get them the items they needed from the case back and forth.<br/>12 That's all I really had to do.<br/>13 Q So once Detective Marshall gets this information how do you<br/>14 divide up the duties of what needs to happen next?<br/>15 A Well, I sent Detective Marshall to the store and then I let<br/>16 the sergeant, who was Sergeant Strauss, and Lieutenant Fias<br/>17 decide what they were going to do with the duties, but I<br/>18 suggested that someone needed to go to North Green Creek and<br/>19 that someone needed to go to Farr Road. And then I said, "I<br/>20 will be going to the prosecutor's office to get a search<br/>21 warrant," because I knew that we were going to be getting a<br/>22 search warrant based on the records search warrant or I was<br/>23 going to seek to obtain a search warrant based on the records<br/>24 search warrant anyways. Unfortunately, Tobacco Tax had<br/>25 already sped up that process. So I was obviously the one that</p> | <p style="text-align: right;">Page 40</p> <p>1 MR. JUSTIAN: The marijuana?<br/>2 MR. BOSTIC: Anything.<br/>3 THE WITNESS: I don't remember if we gave it<br/>4 back or -- I couldn't tell you if we gave it back or not.<br/>5 Q (Continuing by Mr. Bostic): During that 2011 stop do you<br/>6 recall you or Officer Bringedahl checking with the prosecutor<br/>7 about searching the vehicle?<br/>8 A Yes.<br/>9 Q Do you recall that a prosecutor requested that you search the<br/>10 vehicle?<br/>11 A That's a little -- that was a little incorrect.<br/>12 Q Well, it's not your report, so I'm not --<br/>13 A That's not my report.<br/>14 Q I'm not holding you to it, but --<br/>15 A Correct. Officer Bringedahl -- I would state this. Officer<br/>16 Bringedahl didn't think that he had enough to search the<br/>17 vehicle. I called the prosecutor's office. The prosecutor's<br/>18 office said, yes, you do have enough to search the vehicle and<br/>19 then I told Officer Bringedahl, "You absolutely have enough to<br/>20 search the vehicle and you can," and basically told him the<br/>21 prosecutor's office, you know, will back you up.<br/>22 MR. WISTROM: Can we just do something off the<br/>23 record just for one second?<br/>24 (At or about 3:46 p.m., off the record.<br/>25 Whereupon Mr. Wistrom left the deposition. At</p> |

10 (Pages 37 to 40)

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| <p style="text-align: right;">Page 41</p> <p>1 or about 3:46 p.m., back on the record.)</p> <p>2 Q (Continuing by Mr. Bostic): Okay. Now, again, referring back</p> <p>3 to Exhibit 1, we're going to move back up into July 2014.</p> <p>4 You're at the prosecutor's office preparing this affidavit,</p> <p>5 correct?</p> <p>6 A Correct.</p> <p>7 Q Do you have any direct telephone contact with Sergeant</p> <p>8 Schmitz?</p> <p>9 A No. I'm talking to Marshall.</p> <p>10 Q That's it?</p> <p>11 A Correct.</p> <p>12 Q Did Detective Marshall during the conversation while you were</p> <p>13 preparing this search warrant affidavit ever tell you that the</p> <p>14 tax team officers entered the southern portion of the building</p> <p>15 without a warrant?</p> <p>16 A No.</p> <p>17 Q Did he ever tell you that they entered after they threatened</p> <p>18 to arrest Samantha?</p> <p>19 A No.</p> <p>20 Q Since then have you ever talked to Detective Marshall and had</p> <p>21 Detective Marshall tell you that he was aware of either of</p> <p>22 those two pieces of information?</p> <p>23 A No. Well, that they were in that back smoke shop area?</p> <p>24 Q Well, not necessarily that they were in the back. I mean, I</p> <p>25 think -- I think you probably knew that.</p> | <p style="text-align: right;">Page 43</p> <p>1 the scene. Does she tell you that they entered the southern</p> <p>2 portion of the building without a warrant?</p> <p>3 A No.</p> <p>4 Q Does she tell you that they entered the southern portion of</p> <p>5 the building after they threatened to arrest Samantha Conklin?</p> <p>6 A No.</p> <p>7 Q Now, I'm going to show you what we've had marked as Deposition</p> <p>8 Exhibits 1 and 2 in Mr. Schmitz's deposition. Did Detective</p> <p>9 Marshall or Detective Sergeant Strauss during their phone</p> <p>10 conversations with you while you're preparing the warrant</p> <p>11 describe either of those notices to you?</p> <p>12 A No.</p> <p>13 Q When you got out to the scene did you see either of those</p> <p>14 notices at 885?</p> <p>15 A I don't recall seeing them.</p> <p>16 Q Okay.</p> <p>17 A If I would have seen them I would have taken a photo, but I</p> <p>18 took a lot of photographs that day, as you could have saw with</p> <p>19 a criminal investigation.</p> <p>20 Q All right. Now, moving onto the back page of Exhibit 1 you</p> <p>21 have in paragraph 8 talked about a couple of -- well, in</p> <p>22 paragraph 8 you're talking about Hartwick, People versus</p> <p>23 Hartwick, that's H-a-r-t-w-i-c-k. But are you aware of a case</p> <p>24 that came out in January or February of 2013 that essentially</p> <p>25 said that a caregiver was not violating the act or would</p> |
| <p style="text-align: right;">Page 42</p> <p>1 A Yeah. Because it was pretty apparent that they were back</p> <p>2 there.</p> <p>3 Q Right.</p> <p>4 A But, yeah. No, no, not that they were not allowed back there</p> <p>5 or -- no, I don't --</p> <p>6 Q Or no court order?</p> <p>7 A Correct.</p> <p>8 Q Those are the two pieces of information I want to know if</p> <p>9 Detective Marshall has ever acknowledged to you that he was</p> <p>10 aware of.</p> <p>11 A No.</p> <p>12 Q Because you don't have any personal information of his</p> <p>13 telephone contact. Well, by now, he's at the scene, right?</p> <p>14 A Correct.</p> <p>15 Q When he's talking to you on the phone and you're typing or</p> <p>16 you're telling the prosecutor --</p> <p>17 A This is what he's saying.</p> <p>18 Q He's at 885?</p> <p>19 A Correct, yeah. Our drive is about the same.</p> <p>20 Q Okay.</p> <p>21 A I mean, it's a half mile down the road.</p> <p>22 Q Now, the next paragraph, paragraph 5, says that now you are</p> <p>23 making contact with Kate Strauss?</p> <p>24 A Correct.</p> <p>25 Q And you're still at the prosecutor's office. She's still at</p>  | <p style="text-align: right;">Page 44</p> <p>1 receive protections of the act if they sold to a person with a</p> <p>2 card?</p> <p>3 A No, I'm not aware of it.</p> <p>4 Q Okay. And then in the next paragraph you mentioned People</p> <p>5 versus McQueen, which was decided before June of 2013. I know</p> <p>6 that. Yeah, before June of 2013; where the Supreme Court</p> <p>7 said, no, you can't?</p> <p>8 A Correct.</p> <p>9 Q And that's what you relied on in part to justify putting the</p> <p>10 two June 13, 2013 buys in there, right?</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. Were you aware that the earlier case in the Court of</p> <p>13 Appeals that occurred in January or February of 2013 wasn't</p> <p>14 reversed by the Supreme Court until after June of 2013?</p> <p>15 A No, I was not aware of it.</p> <p>16 Q Okay. Now, when you did the search warrant affidavits for</p> <p>17 Green Creek and Farr Road did you change anything except the</p> <p>18 descriptions of the places to be searched?</p> <p>19 A I don't believe so.</p> <p>20 Q Well, maybe paragraph 11.</p> <p>21 A Yeah, correct.</p> <p>22 Q Okay. And I think you earlier indicated that even though you</p> <p>23 didn't know yet what was inside of Green Creek or Farr Road</p> <p>24 you were also essentially doing a record search warrant?</p> <p>25 A Correct.</p>  |

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| <p style="text-align: right;">Page 45</p> <p>1 Q I mean, that was -- that's part of your justification for the<br/>2 residences, right?</p> <p>3 A Correct. Prior to the Tobacco Tax being there. If they<br/>4 wouldn't have been there July 9th, my sole plan for that day<br/>5 was going to be to obtain the records warrant.</p> <p>6 Q Now, paragraph 12, you talk about your training and experience<br/>7 and I'm assuming that -- well, let's -- rather than me assume<br/>8 it, let's get some facts out on the record here. You've been<br/>9 to basic narcotics school by the State Police?</p> <p>10 A Yes, sir.</p> <p>11 Q Have you been to advanced narcotics school by the State<br/>12 Police?</p> <p>13 A No, sir.</p> <p>14 Q Have you been to any DEA schools?</p> <p>15 A No. Indoor marijuana grow school.</p> <p>16 Q Pardon me?</p> <p>17 A Indoor marijuana grow school, which is a DEA school. So I<br/>18 guess, yes.</p> <p>19 Q You've been to raid school?</p> <p>20 A Yes, sir.</p> <p>21 Q When did you first start on your assignment at WEMET?</p> <p>22 A December of 2010.</p> <p>23 Q In any of those trainings that you've been to did they talk<br/>24 about the impact of the Michigan Medical Marijuana Act on how<br/>25 records are kept?</p>  | <p style="text-align: right;">Page 47</p> <p>1 marijuana business that you do not have a track record of data<br/>2 to support the idea that records, product, and proceeds are<br/>3 going to be kept at their dwelling?</p> <p>4 MR. JUSTIAN: I'm going to object because<br/>5 you're trying to distinguish between whether or not these<br/>6 people are drug dealers or they're something else. I mean, if<br/>7 this officer actually truly distinguishes the two, I'm sure he<br/>8 could probably try to answer that question. I think that<br/>9 you're going to have to confirm first whether or not he<br/>10 actually distinguishes the two.</p> <p>11 Q (Continuing by Mr. Bostic): In a deposition he objects, it's<br/>12 preserved, and you answer the question.</p> <p>13 A I think there's no difference. I think people commonly,<br/>14 whether you run an irrigation business, they're going to keep<br/>15 money at their house.</p> <p>16 Q Okay.</p> <p>17 A They're going to keep it in their bank sometimes, too, but if<br/>18 you're running a business that is typically illegal drugs<br/>19 they're going to more often than not keep it at their house.</p> <p>20 Q What is it about the operation here that you initially spoke<br/>21 of earlier as being in the gray area?</p> <p>22 A Because of the case law. The case law doesn't allow for --<br/>23 well, I should say that the State has not approved for<br/>24 dispensaries yet. Therefore, people have attempted to operate<br/>25 what I say is in the gray area and find loopholes or not</p> |
| <p style="text-align: right;">Page 46</p> <p>1 A I don't recall.</p> <p>2 Q Do you agree that as a general proposition the training that<br/>3 you get for controlled substance investigations takes as a<br/>4 given that drug dealers will keep records or proceeds or<br/>5 product at a place over which they have control, their<br/>6 residence, a storage building, some place where they control<br/>7 it? As a general proposition that is something that's common<br/>8 in drug investigations?</p> <p>9 A I would say most of the time, but I've seen it that, you know,<br/>10 sometimes they'll pay, you know, their next-door neighbor to<br/>11 store drugs at.</p> <p>12 Q Right. But you put this general proposition of the fact that<br/>13 they keep things at places over which they have control in<br/>14 your affidavits to justify going into these places to get<br/>15 records, correct?</p> <p>16 A Because it's common, yeah.</p> <p>17 Q Okay. And that's -- I mean, that's essentially what paragraph<br/>18 12 is doing?</p> <p>19 A Correct.</p> <p>20 Q You're taking your own experience, your own investigations and<br/>21 investigations where you help others, and your training,<br/>22 you're boiling it all down into a couple of general<br/>23 propositions?</p> <p>24 A Correct.</p> <p>25 Q Okay. Do you agree that when a person runs this as a medical</p> | <p style="text-align: right;">Page 48</p> <p>1 necessarily loopholes, but just patient-to-patient transfers<br/>2 and, you know ...</p> <p>3 Q Do you agree also that since 2009 or maybe 2010 when we<br/>4 started getting the first appellate opinions coming out that<br/>5 there have been changes in developments in the way the Court<br/>6 of Appeals and the Supreme Court have interpreted the act?</p> <p>7 A Well, yeah. Numerous, yeah. So we're all learning on the<br/>8 fly.</p> <p>9 Q Now, I just noticed something and I want to go back and<br/>10 correct it. Earlier I had asked you questions about your<br/>11 medical marijuana paperwork and I kept saying -- asking you<br/>12 about whether or not you had submitted it to the Department of<br/>13 Licensing and Regulatory Affairs and it just dawned on me that<br/>14 it -- the stuff went to the Department of Community Health.</p> <p>15 A Right.</p> <p>16 Q Not LARA. Does that change any of the answers that you gave?</p> <p>17 A No.</p> <p>18 Q Okay. So you knew then that I didn't know what I was talking<br/>19 about. Are you aware from conversations with the other<br/>20 officers on WEMET that the officers entered the dwelling on<br/>21 Green Creek prior to the search warrants arriving?</p> <p>22 A Yes, I knew they did.</p> <p>23 Q Who told you that they did?</p> <p>24 A I think Detective Bringedal did.</p> <p>25 Q Did they tell you why?</p>   |

12 (Pages 45 to 48)

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| <p style="text-align: right;">Page 49</p> <p>1 A I don't recall why. Oh, yes.<br/>2 Q What did he say?<br/>3 A Someone arrived and was leaving, so I think he -- they stopped<br/>4 the car and to preserve evidence, make sure -- they found -- I<br/>5 believe they found out someone else was inside and then<br/>6 they -- that the people had already known everything was going<br/>7 on and they -- I believe they located marijuana in the car,<br/>8 too. So, at that point, I didn't make the decision. I don't<br/>9 even think he made the decision. I think command officers<br/>10 made the decision to secure the house.<br/>11 Q Do you recall --<br/>12 A I think we were like a half hour away. I think I was -- the<br/>13 search warrant was typed and I think I was walking to the<br/>14 judge or something. It was very close to being finished.<br/>15 Q Do you recall that at Farr Road they claimed that the<br/>16 marijuana room was not locked?<br/>17 A Who claimed, sir?<br/>18 Q The officers that executed the search warrant.<br/>19 A Yes.<br/>20 Q That they were claiming it was not in an enclosed, locked<br/>21 facility?<br/>22 A Yes. I -- yes.<br/>23 Q Okay. Did you go to Farr Road on July 9th, 2014?<br/>24 A No.<br/>25 Q Did you go to Green Creek?</p>     | <p style="text-align: right;">Page 51</p> <p>1 one taken by the police, correct?<br/>2 A Well, I'm not 100 percent sure.<br/>3 Q Okay.<br/>4 A That's why I asked you if this is one that we provided you or<br/>5 not.<br/>6 Q Okay.<br/>7 A But I believe this bookshelf just covered up this doorway and<br/>8 that once they -- I think they went -- from my recollection<br/>9 that I was told they had to go through the drywall because<br/>10 they couldn't figure out how to get in, but they could see the<br/>11 light emitting from the floor and then once they went in they<br/>12 figured out where the door was and moved the bookshelf and<br/>13 they came in.<br/>14 (At or about 4:05 p.m., Exhibit Number 3 was<br/>15 marked for identification.)<br/>16 Q (Continuing by Mr. Bostic): I'm showing you what's been<br/>17 marked as Deposition Exhibit 3. So rather than move the<br/>18 bookshelf did they tell you that you just moved something that<br/>19 was in front of that hole and it gave you access to the lock<br/>20 for this door?<br/>21 A I don't remember.<br/>22 Q You don't remember that much?<br/>23 A No.<br/>24 Q Okay. But you weren't -- you did not go to Farr Road,<br/>25 correct?</p> |
| <p style="text-align: right;">Page 50</p> <p>1 A Yes.<br/>2 Q Did you ever see any of the photographs from Farr Road?<br/>3 A Yes.<br/>4 Q Did you see the drywall that they busted through?<br/>5 A Yes. I think so, yes.<br/>6 Q Did you see the doors that were damaged to get in the drying<br/>7 room?<br/>8 A I've seen numerous pictures, some that were posted by -- the<br/>9 pictures I remember is that there was a -- they couldn't find<br/>10 it and there was like a bookshelf or something that you just<br/>11 had to move and as soon as you moved it that door was unlocked<br/>12 is the way it was explained to me.<br/>13 Q You didn't personally see that though?<br/>14 A That is correct.<br/>15 Q Okay.<br/>16 A That's what I was told. I was told that it was unlocked and<br/>17 all you had to do was move the bookshelf and I believe they<br/>18 broke that drywall, but I'm not 100 percent sure. Are those<br/>19 pictures we provided you?<br/>20 Q I don't think so.<br/>21 A Because I don't believe all that damage was there before.<br/>22 (At or about 4:04 p.m., Exhibit Number 2 was<br/>23 marked for identification.)<br/>24 Q (Continuing by Mr. Bostic): I'm showing you what's been<br/>25 marked as Exhibit 2. So you think that this photograph is not</p> | <p style="text-align: right;">Page 52</p> <p>1 A That is correct.<br/>2 Q So you don't have -- you're basing this entirely on what you<br/>3 remember somebody else --<br/>4 A Being told.<br/>5 Q -- maybe told you or maybe a photograph that you saw?<br/>6 A That were taken by us.<br/>7 Q Or maybe a photograph that Derek posted? Were you saying<br/>8 earlier that there were some photographs posted on the<br/>9 internet?<br/>10 A I thought at some point someone showed me something like this.<br/>11 Q And those would have been photographs not taken by the police,<br/>12 correct?<br/>13 A Yeah.<br/>14 Q Okay.<br/>15 A I think I have a -- or at some point. Never mind. Well, I<br/>16 think -- I think -- I think someone showed me the pictures<br/>17 that Derek showed -- posted on Facebook.<br/>18 Q Okay.<br/>19 A On his Facebook, but I don't remember who.<br/>20 Q Well, that's fine. And you don't remember specifically what<br/>21 the photos were, either?<br/>22 A No. I remember the damage or something.<br/>23 Q Okay.<br/>24 A And I do remember Detective Ginka who was there saying,<br/>25 "That's not the damage we made."</p>   |

13 (Pages 49 to 52)



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| <p style="text-align: right;">Page 53</p> <p>1 Q Okay.</p> <p>2 A I specifically remember him saying that.</p> <p>3 Q But you do recall --</p> <p>4 A But I wasn't there.</p> <p>5 Q Right. But you do recall at least one of the officers saying</p> <p>6 they had to break through some drywall because there was a</p> <p>7 light source they couldn't figure out?</p> <p>8 A Yes. I believe so, yeah.</p> <p>9 Q After you get the search warrants do you notify someone by</p> <p>10 phone or radio that the judge has signed them?</p> <p>11 A Detective Sergeant Strauss or Fias I notified right away that</p> <p>12 they were signed and I'm on my way.</p> <p>13 Q Is it your understanding that once you notify them that the</p> <p>14 judge has signed them then they can start searching or do they</p> <p>15 wait until the search warrant paper arrives?</p> <p>16 A They waited.</p> <p>17 Q Okay.</p> <p>18 A They waited.</p> <p>19 Q As far as you know?</p> <p>20 A Well, no. I know that. They waited -- they waited on Apple</p> <p>21 for me and then somebody met me to retrieve -- Farr Road, they</p> <p>22 waited. They waited on Apple and then somebody met me. I'm</p> <p>23 sorry. Green Creek they waited. Somebody met me at Deuces</p> <p>24 Wild for the Farr Road and then they executed it and then</p> <p>25 Deuces Wild, you'll see in the surveillance video that I'm</p>                              | <p style="text-align: right;">Page 55</p> <p>1 question.</p> <p>2 Q Did you have an occasion to discuss with Mr. Antol having him</p> <p>3 instruct Tristan to come back to the scene to get Tristan's</p> <p>4 cell phone?</p> <p>5 A That was with Mr. Wistrom, yes, I believe, or one of us did.</p> <p>6 I don't -- one of us -- one of us had that conversation.</p> <p>7 Q You say "one of us." What do you mean?</p> <p>8 A Either myself or Detective Marshall had that conversation.</p> <p>9 Q Were you present when the conversation occurred if it</p> <p>10 wasn't --</p> <p>11 A I believe so. No, I believe so. I just knew that I was told</p> <p>12 there was a cell phone that was there that was now gone and I</p> <p>13 think I asked Derek where it was and he said, "It's my son's</p> <p>14 phone. It's gone." I said, "All the cell phones that were</p> <p>15 here -- apparently, it was allowed to leave. It shouldn't</p> <p>16 have been allowed to leave when this place was secured." I</p> <p>17 spoke with Mr. Wistrom about it and Mr. Wistrom said, "Derek,</p> <p>18 have him bring it back."</p> <p>19 Q Did Mr. Antol protest?</p> <p>20 A Not from my recollection.</p> <p>21 Q Do you recall ever saying something to Mr. Antol to the effect</p> <p>22 of if you don't have that phone returned back here that you</p> <p>23 were going to see to it that his business was harmed?</p> <p>24 A In front of his attorney it wouldn't be very smart to say,</p> <p>25 sir.</p> |
| <p style="text-align: right;">Page 54</p> <p>1 there, that Detective Sergeant Strauss, they start walking in</p> <p>2 right at the end of the video and then I walk in and I have</p> <p>3 the signed search warrant at that point.</p> <p>4 Q Okay. Is everybody still congregated in the parking lot when</p> <p>5 you pull up?</p> <p>6 A Yeah. I didn't give you that -- the parking lot surveillance</p> <p>7 video is horrific. You can't -- it like looks down, so</p> <p>8 there's no purpose for it. But, yes, they're all outside.</p> <p>9 The assumption is that they're still outside because they all</p> <p>10 leave.</p> <p>11 Q No. I'm talking about when you actually pulled up?</p> <p>12 A Oh, yes.</p> <p>13 Q Everybody was still physically out in the parking lot?</p> <p>14 A Oh, yes. Yes, sir.</p> <p>15 Q Okay. Do you have any contact at 885 East Apple with Derek</p> <p>16 Antol on July 9th, 2014?</p> <p>17 A Yeah. I'm sure I talked to him. I'm sure I did.</p> <p>18 Q Did you see him walking, him or Samantha, walking around with</p> <p>19 cell phones taking video?</p> <p>20 A I don't remember. If -- I don't remember.</p> <p>21 Q Do you recall a point in time where Derek's son, I think his</p> <p>22 name is Tristan, that the son's mother showed up?</p> <p>23 A That was not when I was there.</p> <p>24 Q Okay.</p> <p>25 A Or unless it comes back. I guess I'll let you finish the</p> | <p style="text-align: right;">Page 56</p> <p>1 Q Well, I didn't -- I'm saying at any time. At any time?</p> <p>2 A No, sir.</p> <p>3 Q Okay. And I don't mean like physically damage like, you know,</p> <p>4 breaking windows, but anything like that?</p> <p>5 A Absolutely not. That entire conversation happened in front of</p> <p>6 Mr. Wistrom. I believe at that point we still thought it was</p> <p>7 Mr. Antol's phone.</p> <p>8 (At or about 4:14 p.m., Exhibit Number 4 was</p> <p>9 marked for identification.)</p> <p>10 Q (Continuing by Mr. Bostic): What do you recall seeing at</p> <p>11 Green Creek when you were in there?</p> <p>12 A Specifically or --</p> <p>13 Q Yes.</p> <p>14 A -- generally?</p> <p>15 Q In terms of marijuana.</p> <p>16 A Well, we seized a lot of stuff. I mean, there was a lot of</p> <p>17 plants that were seized that were outside. I know there was a</p> <p>18 lot of marijuana that was seized. I believe some leaves and</p> <p>19 stuff that was in the freezer. There was some usable stuff</p> <p>20 like the leaves that are in the freezer. I believe there were</p> <p>21 leaves in the freezer. Usually leaves, they turn into BHO.</p> <p>22 If you know how to make BHO they, you know -- or if you're</p> <p>23 familiar with it you use butane and turn it all into butane</p> <p>24 hash oil, but there was -- there was a lot of stuff that was</p> <p>25 seized from North Green Creek, but Detective Bringedal</p>                           |

14 (Pages 53 to 56)

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| <p style="text-align: right;">Page 57</p> <p>1 assisted me and seized all that stuff.</p> <p>2 Q Yeah. Who did the property entries?</p> <p>3 A Detective Bringedal did. I got the search warrants, I did</p> <p>4 all the evidence on Apple, Detective Ginka did all the</p> <p>5 evidence on Farr Road, and then Detective Bringedal did all</p> <p>6 the evidence on North Green Creek and then Detective Marshall</p> <p>7 did all the interviews.</p> <p>8 Q Okay. Supp 2 is the journal. Supp 3 is acquisition of the</p> <p>9 search warrants.</p> <p>10 A And all the evidence.</p> <p>11 Q Search of the business, photographs, forfeiture seizures,</p> <p>12 property entry. All right. Supp 4 is Detective Marshall</p> <p>13 documenting interviews, not Detective Strauss.</p> <p>14 A No, no, no. Yeah, it's Detective Marshall.</p> <p>15 Q Supp 5 is a summary of some of the video review. Supp 6 is</p> <p>16 text messages from the phones. Do you know which supp would</p> <p>17 be Bringedal's?</p> <p>18 A It would have been pulled under a whole separate report.</p> <p>19 North Green Creek is a whole separate report. Yeah, it's not</p> <p>20 even in here. I only have all the ...</p> <p>21 Q So you pulled a separate number for North Green Creek?</p> <p>22 A Correct.</p> <p>23 Q And Farr?</p> <p>24 A Correct. I did not, both those detectives did.</p> <p>25 Q And you don't have anything to tell us what those incident</p>                         | <p style="text-align: right;">Page 59</p> <p>1 A Yeah. It was a bank.</p> <p>2 Q Okay. And the vault, was it your impression that members of</p> <p>3 the public like retail customers would have been allowed to</p> <p>4 walk back into the vault?</p> <p>5 A No.</p> <p>6 Q Okay. So I'm talking about the retail area, the racks, the</p> <p>7 counter, the display shelves, those kinds of things. There</p> <p>8 was an abundance of inventory there to purchase, correct?</p> <p>9 A Yes.</p> <p>10 Q Would you say that the value of the inventory probably</p> <p>11 exceeded \$20,000.00?</p> <p>12 A Probably. \$10,000.00 to \$20,000.00, something like that.</p> <p>13 Q And there was a cash register out there on that glass counter</p> <p>14 in the main part of the store, correct, the northern portion</p> <p>15 of the store?</p> <p>16 A Yes.</p> <p>17 Q And then the -- in July of 2014 did you recall the signs that</p> <p>18 were Exhibits 1 and 2 from Mr. Schmitz's deposition being near</p> <p>19 the door to go into the southern portion of the building?</p> <p>20 A I don't remember.</p> <p>21 Q You don't recall?</p> <p>22 A No.</p> <p>23 Q Okay. There was \$21,000.00 seized at one point. Where was</p> <p>24 that money?</p> <p>25 A At the store?</p>  |
| <p style="text-align: right;">Page 58</p> <p>1 numbers would be?</p> <p>2 A No. I could possibly send a text message or something and</p> <p>3 find out for you, but those forfeiture forms --</p> <p>4 Q Yeah. It's blank.</p> <p>5 A Okay.</p> <p>6 Q Describe for me the -- what you see when you walk in the</p> <p>7 business at 885 from the outside assuming you're going in the</p> <p>8 public entrance.</p> <p>9 A So the front door off of Apple there's -- I can't remember if</p> <p>10 there's clothing or something. There's like racks or stuff in</p> <p>11 the middle, then there's stuff on shelves around the outside</p> <p>12 and there's a glass countertop that has smoking implements in</p> <p>13 it and, you know, other paraphernalia or other items for sale,</p> <p>14 but nothing illegal as far as I was concerned.</p> <p>15 Q Apparently, except for some cigar wraps and, apparently,</p> <p>16 hookah tobacco or whatever it was that he wasn't supposed to</p> <p>17 sell without --</p> <p>18 A A tobacco license.</p> <p>19 Q Right. Tax stamps, whatever. You would agree that everything</p> <p>20 in the retail portion of the store was lawful?</p> <p>21 A Oh, yeah. Well, no. We seized some stuff in the safe area,</p> <p>22 some marijuana in the safe area.</p> <p>23 Q Well, and, again, I talked to Detective Schmitz about this.</p> <p>24 Do you agree that this building used to be a bank or a credit</p> <p>25 union or something?</p> | <p style="text-align: right;">Page 60</p> <p>1 Q Yes. Well, I don't know that it was at the store. I mean,</p> <p>2 that's one of the captions of our forfeiture cases, so I</p> <p>3 wanted to find out where exactly that money was.</p> <p>4 A I believe the \$21,000.00 was at the residence on North Green</p> <p>5 Creek.</p> <p>6 Q Okay.</p> <p>7 A Because at the store there was \$1,284.00 seized.</p> <p>8 Q And where was that money?</p> <p>9 A There was \$124.00 in the smoke shop register, \$485.00 in the</p> <p>10 dispensary register, \$135.00 in a jar back there, and there</p> <p>11 was \$540.00 in the safe room in a jar with a bunch of edibles.</p> <p>12 Q Okay.</p> <p>13 A So throughout the building.</p> <p>14 Q But just the only one of those that was out in the main retail</p> <p>15 portion of the store was the \$124.00 from the cash register?</p> <p>16 A Yeah, yes.</p> <p>17 Q Okay.</p> <p>18 A It looks like change.</p> <p>19 Q Now, the fourth of our cases here is a forfeiture with Derek</p> <p>20 as a claimant for \$1,935.00. I believe -- correct me if I'm</p> <p>21 wrong, but I believe that money was from his arrest. It was</p> <p>22 on his person when he was arrested. Did you participate in</p> <p>23 that at all?</p> <p>24 A No. I wasn't there and I did not see that.</p> <p>25 Q Do you have --</p> |

15 (Pages 57 to 60)

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| <p style="text-align: right;">Page 61</p> <p>1 A That forfeiture report?</p> <p>2 Q Do you have the complete incident report there with you for</p> <p>3 this case?</p> <p>4 A For 1-11. I don't have everything and I don't -- there's no</p> <p>5 forfeiture in here for that portion I don't think.</p> <p>6 Q It was about a week and a half later I think he was arrested.</p> <p>7 A Yeah. I don't have that report.</p> <p>8 Q What's the highest number of supp you have?</p> <p>9 A Eleven.</p> <p>10 Q Okay. Well, mine stopped at six, but I may have the rest on</p> <p>11 the disc that you guys provided me. I don't know for sure.</p> <p>12 Were you made aware from Mr. Wistrom that Mr. Antol was</p> <p>13 willing to turn himself in and self-surrender if a warrant was</p> <p>14 issued?</p> <p>15 A Mr. Wistrom, my understanding was, just to contact him and he</p> <p>16 would arrange Derek to turn himself in.</p> <p>17 Q Do you know why that didn't happen?</p> <p>18 A I do not. I was just curious why that report wasn't there. I</p> <p>19 don't know what -- where the report is under.</p> <p>20 Q Yeah. I'm curious about that, as well. Could it be under one</p> <p>21 of the other two incident numbers?</p> <p>22 A It probably is.</p> <p>23 Q And you don't know the circumstances of why someone went out</p> <p>24 and arrested him on the street when he was willing to self-</p> <p>25 surrender?</p> | <p style="text-align: right;">Page 63</p> <p>1 uniformed officers after the lawsuit was filed in federal</p> <p>2 court to have marked vehicles parked near Deuces Wild?</p> <p>3 A No.</p> <p>4 Q Did you hear any conversations to that extent by anybody?</p> <p>5 A No.</p> <p>6 Q I want to go over some details in your incident report if you</p> <p>7 want to just refer to yours for convenience. On page 1 of the</p> <p>8 original incident report under "information" it said, "WEMET</p> <p>9 received information that Deuces Wild is still selling</p> <p>10 marijuana to medical marijuana cardholders." Who did you</p> <p>11 receive that information from?</p> <p>12 A I believe it was the generalized information we were getting</p> <p>13 from tips that were coming into our office. I couldn't tell</p> <p>14 you exactly who.</p> <p>15 Q Look at page 1 of supp 3.</p> <p>16 A Okay.</p> <p>17 Q Under "summary."</p> <p>18 A Okay.</p> <p>19 Q There's our other two complaint numbers, right?</p> <p>20 A Yes. 143 of 14 and 144 of 14.</p> <p>21 Q In the third paragraph under "summary" it says 1.8 pounds of</p> <p>22 marijuana, leaves, and clippings were seized from the</p> <p>23 business?</p> <p>24 A Correct.</p> <p>25 Q Where was that located?</p>  |
| <p style="text-align: right;">Page 62</p> <p>1 A Just as far as I know, he got -- we obtained the warrant and</p> <p>2 someone saw him driving and traffic stopped him or had him</p> <p>3 traffic stopped.</p> <p>4 Q Okay. And then why did they go to the house then and arrest</p> <p>5 Ms. Conklin?</p> <p>6 A That same day?</p> <p>7 Q Yeah.</p> <p>8 A I don't know if they -- he said she's there or --</p> <p>9 MR. JUSTIAN: If you know. Answer if you know.</p> <p>10 THE WITNESS: I don't know. Yeah, I don't</p> <p>11 know.</p> <p>12 Q (Continuing by Mr. Bostic): Do you know --</p> <p>13 A I don't recall the details.</p> <p>14 Q Do you know why we were not given an opportunity to self-</p> <p>15 surrender her?</p> <p>16 A No.</p> <p>17 Q I'm showing you what's been marked as Deposition Exhibit 4.</p> <p>18 Do you recognize the vehicle in that picture?</p> <p>19 A It's a Muskegon Police Department patrol vehicle.</p> <p>20 Q Do you recognize the parking lot that it's in?</p> <p>21 A Not really.</p> <p>22 Q If I told you that it was across the street from Deuces Wild</p> <p>23 would you have any reason to disagree with that?</p> <p>24 A No.</p> <p>25 Q Did you have any conversations with the chief or any of the</p>   | <p style="text-align: right;">Page 64</p> <p>1 A In the refrigerator in the marijuana sale room, the south</p> <p>2 room.</p> <p>3 Q Was it scrap? Was it left over from trimming plants?</p> <p>4 A Yeah. I would just say it's like BHO trim is what I would</p> <p>5 call it.</p> <p>6 Q Well, it's -- do you agree that it's not considered usable</p> <p>7 marijuana under the current interpretations that we have</p> <p>8 that's incidental leaves, stems, and stalks?</p> <p>9 A I would have to read the current interpretation.</p> <p>10 Q Well, I'm not -- I misspoke. I'm not talking about the</p> <p>11 interpretation. Part of the statute specifically allows</p> <p>12 cardholders to have some incidental leaves, stems, and stalks,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q And so is that what we're talking about here for that 1.8</p> <p>16 pounds?</p> <p>17 MR. JUSTIAN: If you know.</p> <p>18 THE WITNESS: I would say it's -- it's</p> <p>19 marijuana. It's usable.</p> <p>20 Q (Continuing by Mr. Bostic): Why?</p> <p>21 A Because they're going to use it for -- they're keeping it for</p> <p>22 a reason. They're using it for -- to either turn it into BHO</p> <p>23 or they're going to use it into edibles, period.</p> <p>24 Q Okay. Well, let's take your assumptions about what they're</p> <p>25 going to do with it out of the picture for a moment.</p> |

16 (Pages 61 to 64)

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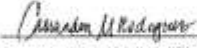
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| <p style="text-align: right;">Page 65</p> <p>1 A Well, no. It's the truth.</p> <p>2 Q No. I know you're piecing that together from the whole</p> <p>3 investigation. I understand that, but let's assume that you</p> <p>4 haven't gone to Green Creek yet. You haven't seen the butane.</p> <p>5 Okay? You have that?</p> <p>6 A Correct.</p> <p>7 Q And you've been plenty of places where people who are not</p> <p>8 making BHO have trimmed their buds, they've cut their plants,</p> <p>9 they've trimmed their bud, and they've got leftover stuff,</p> <p>10 correct?</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. Do you agree that leftover stuff, the leaves, the</p> <p>13 stems, and the stalks, are what the statute says they're</p> <p>14 allowed to possess incidentally?</p> <p>15 MR. JUSTIAN: He's not going to comment on what</p> <p>16 the law is.</p> <p>17 Q (Continuing by Mr. Bostic): Incidentally?</p> <p>18 A No, sir.</p> <p>19 Q Okay. Go ahead.</p> <p>20 A My statement is this is usable marijuana.</p> <p>21 Q No, I know. I understand. But I was asking you a</p> <p>22 hypothetical about other places where you go --</p> <p>23 A Other places -- I've been to many places that they have five</p> <p>24 pounds of trimmings, right, and it's in their garbage can.</p> <p>25 Q Right.</p>           | <p style="text-align: right;">Page 67</p> <p>1 Q I mean, you've --</p> <p>2 A I would say my personal opinion is that the cell phone that's</p> <p>3 locked would not be -- I would probably never give it back,</p> <p>4 me, personally.</p> <p>5 Q You would never give it back?</p> <p>6 A If we forfeited it. I can't recall if we forfeited that</p> <p>7 phone.</p> <p>8 Q And I'm not talking about the ultimate decision on the</p> <p>9 forfeiture or --</p> <p>10 A Right.</p> <p>11 Q -- anything. I'm just talking about if --</p> <p>12 A Otherwise the computer, like the store computer and all that</p> <p>13 store stuff, yeah, I don't -- it's already been --</p> <p>14 Q Downloaded? Right.</p> <p>15 A Yeah. Like --</p> <p>16 Q I mean, my point is if we go -- if I go to the judge and say,</p> <p>17 "Hey, can -- you know, they dumped all this stuff. They have</p> <p>18 a forensic image of all of the storage capacity on every one</p> <p>19 of these things. Can we have them back?" I just -- I don't</p> <p>20 want to waste everybody's time and have you show up in court</p> <p>21 and say, "Oh, well, we still need to do X, Y, Z."</p> <p>22 MR. JUSTIAN: I assume you mean you're going to</p> <p>23 stipulate to its admission?</p> <p>24 Q (Continuing by Mr. Bostic): He doesn't get to ask questions</p> <p>25 today.</p>  |
| <p style="text-align: right;">Page 66</p> <p>1 A And I don't charge anybody for that.</p> <p>2 Q Right.</p> <p>3 A But I'll find five pounds in their freezer because they're</p> <p>4 getting ready to turn it into something because they're</p> <p>5 preserving it, period.</p> <p>6 Q By virtue of it being in the freezer?</p> <p>7 A Absolutely.</p> <p>8 Q Instead of in the garbage?</p> <p>9 A It's not garbage then.</p> <p>10 Q Okay.</p> <p>11 A They're saving it for something because I've done four years</p> <p>12 of investigations otherwise it turns, you know what I mean,</p> <p>13 brown when it's in the garbage can.</p> <p>14 Q Right. Except for the cell phone that has -- that still has</p> <p>15 the screen lock on it --</p> <p>16 A Yes, sir.</p> <p>17 Q -- is there any continuing need from your perspective for</p> <p>18 WEMET to continue holding the electronics, the computer and</p> <p>19 the cell phones, the laptops?</p> <p>20 MR. JUSTIAN: It's not his call.</p> <p>21 Q (Continuing by Mr. Bostic): No, no, no. I don't mean the</p> <p>22 ultimate decision to release it. I mean as a detective on the</p> <p>23 case do you foresee any additional need for what you need to</p> <p>24 do in those items?</p> <p>25 A No. I mean, we went through the cell phones and all that.</p> | <p style="text-align: right;">Page 68</p> <p>1 MR. JUSTIAN: Well, don't show up to the judge</p> <p>2 unless you're going to because we have to have the original</p> <p>3 stuff to introduce it as evidence.</p> <p>4 Q (Continuing by Mr. Bostic): One of the first things a judge</p> <p>5 is likely going to want to know is whether there's still any</p> <p>6 law enforcement need.</p> <p>7 A Yeah.</p> <p>8 Q Investigative need. That's all I was asking.</p> <p>9 A No, I --</p> <p>10 Q Yeah. Okay. Have you done any -- in terms of the forfeiture</p> <p>11 cases have you done any investigation in terms of acquiring</p> <p>12 Mr. Antol or Ms. Conklin's tax returns, business records, or</p> <p>13 anything to establish, you know, their -- the source of their</p> <p>14 incomes?</p> <p>15 A In the report it verifies how much money the smoke shop -- not</p> <p>16 the smoke shop, sorry, the marijuana shop makes based on the</p> <p>17 register receipts a day.</p> <p>18 Q I don't mean on what's seized and documented. I mean separate</p> <p>19 from that like acquired their tax returns, done a FIN-CEN</p> <p>20 check on them, any of that kind of stuff?</p> <p>21 A No, sir.</p> <p>22 Q Okay. So if you were called as a witness to testify at the</p> <p>23 forfeiture trial we can anticipate that your testimony is</p> <p>24 going to be limited to what's documented in these reports?</p> <p>25 A That's correct.</p> |

17 (Pages 65 to 68)

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|--|--|
| <p style="text-align: right;">Page 69</p> <p>1 Q Okay. Do you know if any other detectives with WEMET have<br/>2 done any of these external things?<br/>3 A I would not -- I don't -- I do not know.<br/>4 Q Okay. If they had do you think you would know it?<br/>5 A I don't know if our evidence -- our forfeiture guy down in<br/>6 Ottawa does any of those. Sometimes he might, but I'm not 100<br/>7 percent sure. Usually, he documents the stuff.<br/>8 Q Who is your forfeiture guy in Ottawa?<br/>9 A Bill Evans. He does all our evidence.<br/>10 Q Okay. Is he a police officer?<br/>11 A He's a civilian, but he's a retired lieutenant.<br/>12 Q And he works for the team in doing -- handling that<br/>13 administrative side?<br/>14 A That is correct, sir.<br/>15 Q Okay. Have you ever known him to do a FIN-CEN request?<br/>16 A No, not that I can recall.<br/>17 Q Have you ever done one?<br/>18 A I've never had the need.<br/>19 Q All right. I think I've only been provided with one lab<br/>20 report, apparently, from the very first purchase you made in<br/>21 2013.<br/>22 A Okay.<br/>23 Q Has the other stuff been sent to the lab?<br/>24 A I don't know exactly what all got sent. I would have to go<br/>25 through the whole report again, but multiple items got sent</p> | <p style="text-align: right;">Page 71</p> <p>1 STATE OF MICHIGAN )<br/>2 ) ss:<br/>3 COUNTY OF KENT )<br/>4<br/>5<br/>6 I hereby certify that the foregoing attached pages<br/>7 are a full and complete transcript of the proceedings held<br/>8 on the date and at the place hereinbefore set forth. I<br/>9 reported electronically the proceedings held in the matter<br/>10 hereinbefore set forth, and the testimony so reported was<br/>11 subsequently transcribed under my direction and supervision,<br/>12 and the foregoing is a full, true and accurate transcript of<br/>13 my original electronic recording.<br/>14<br/>15 <br/>16 Cassandra M. Rodriguez, CER-8186<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22 Notary Public<br/>23 Kent County, Michigan<br/>24 My Commission Expires:<br/>25 May 6, 2017</p> |
| <p style="text-align: right;">Page 70</p> <p>1 from each case.<br/>2 Q Have you seen additional lap reports come back yet?<br/>3 A They should be back. There was a gigantic stockpile or<br/>4 buildup at the lab when they were doing a remodel, so I will<br/>5 check and any additional lab reports I'll email to<br/>6 Mr. Roberts, so he can email them to you.<br/>7 Q Right. Okay.<br/>8 A Because it surprises me that there's only one.<br/>9 Q Well, this was given to me in 2014.<br/>10 MR. BOSTIC: I don't have any other questions.<br/>11 MR. JUSTIAN: No questions.<br/>12 (At or about 4:43 p.m., the deposition<br/>13 concluded.)<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  |  |

18 (Pages 69 to 71)

Tri-County Court Reporters  
248-608-9250



STATE OF MICHIGAN, COUNTY OF MUSKEGON) SS

AFFIDAVIT FOR SEARCH WARRANT

July 9, 2014. AFFIANT DETECTIVE ADAM DENT APPEARS BEFORE THE UNDERSIGNED MAGISTRATE AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES AND MAKES THIS AFFIDAVIT IN SUPPORT OF THE ISSUANCE OF A SEARCH WARRANT TO SEARCH THE FOLLOWING DESCRIBED PLACE(S) AND/OR PERSON(S):

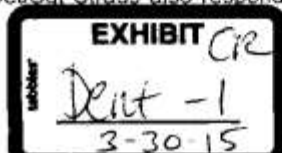
885 East Apple Avenue, "Deuces Wild Smoke Shop," City of Muskegon, County of Muskegon, State of Michigan; including any outbuildings and/or vehicles located on the premises. 885 East Apple Avenue is more fully described as a tan in color single story commercial building; 885 East Apple Avenue is the second building west of Eastgate Street, on the south side of Apple Avenue; The numbers "885" are affixed to the side of the building; a sign which states "Deuces Wild Smoke Shop" is located in front of the building along East Apple Avenue.

**AND TO THERE SEIZE, SECURE, TABULATE AND MAKE RETURN ACCORDING TO LAW THE FOLLOWING PROPERTY AND THINGS:**

Illegal drugs including Marijuana; digital scales; money; records of monetary deposits and transfers; computers and their contents; computer tower and its contents; computer storage devices and their contents; computer tablets and their contents; surveillance equipment, including but not limited to recording devices, storage devices, any recordings of drug transactions; financial records; drug records, including but not limited to Patient Cards, Caregiver Cards, records of Patient sign-in sheets, Patient Caregiver Application forms, waiver forms, Patient information forms, any and all patient records; guns; weapons; ammunition; drug packaging materials; drug distribution materials; cell phones and their contents; drug paraphernalia; proof of residency; photographs.

**DETECTIVE ADAM DENT BEING FIRST DULY SWORN, SAYS THAT HE HAS PROBABLE CAUSE TO BELIEVE THAT THE ABOVE-LISTED THINGS TO BE SEIZED ARE NOW LOCATED UPON THE ABOVE DESCRIBED PREMISE(S)/PERSON(S), BASED UPON THE FOLLOWING FACTS:**

1. Affiant is an officer with 12 years' experience, employed by the Muskegon Police Department. Affiant has investigated illegal drug trafficking including Marijuana for 3 years. As a result, Affiant knows Marijuana to be a green leafy substance with a distinct pungent smell.
2. On June 4, 2013, Affiant went to the "Deuces Wild Smoke Shop" located at 885 East Apple Avenue, City of Muskegon, County of Muskegon, State of Michigan. Upon arrival, Affiant met with an individual later identified as Samantha Conklin who was working inside the store; Affiant showed Conklin a previously prepared fictitious application for a Michigan Medical Marijuana Card under the Michigan Medical Marijuana Act, MCL 333.26424, and a fictitious cancelled check showing payment to the state of Michigan; Conklin told Affiant that he had been "approved;" Conklin then lead Affiant to a rear area inside the business where Affiant observed 20-30 glass jars containing a green leafy substance Affiant suspected was marijuana; Affiant observed signs associated with each jar indicating a marijuana strain type and name; while in the rear of the business, Affiant made contact with a second employee only known to Affiant as "Nick;" Affiant gave Nick \$45 in US currency in exchange for a quantity of marijuana; Nick asked Affiant what Affiant's ailment was to which Affiant responded Crohn's Disease; Nick did not ask Affiant how much marijuana was required to treat Affiant's condition nor how often Affiant must ingest marijuana to effectively treat Affiant's condition; Affiant observed that Nick obtained the suspected marijuana from one of the glass jars; Affiant performed a Nark II field test on the substance and observed a positive result for the presence of the controlled substance marijuana.
3. On June 18, 2013, Affiant again went into the "Deuces Wild Smoke Shop" and made contact with "Nick" inside the business; Nick indicated that he remembered Affiant and allowed Affiant to proceed to the rear of the business without producing any paperwork or identification; Once in the rear of the business, Affiant observes a transaction between Conklin and another male in which Conklin exchanges a quantity of green leafy substance consistent with marijuana with the male in exchange for \$10 in US currency; Affiant then makes contact with Conklin and exchanges \$30 in US currency for a quantity of green leafy substance Affiant suspected to be marijuana; Conklin never asked Affiant about his medical condition; Affiant performed a Nark II field test on the substance and observed a positive result for the presence of the controlled substance marijuana.
4. On July 9, 2014, Affiant spoke to Detective Phillip Marshall, West Michigan Enforcement Team, and learned the following: On July 9, 2014 Det. Marshall was contacted by Det/Sgt Karl Schmitz, 6<sup>th</sup> District Tobacco Tax Team, who told Detective Marshall that on July 9, 2014, Det/Sgt Schmitz performed an administrative tobacco inspection at the "Deuces Wild Smoke Shop;" Det/Sgt Schmitz indicated that during the inspection Det/Sgt Schmitz went into the rear of the business and observed several jars of suspected marijuana; Det. Marshall also responded to the "Deuces Wild Smoke Shop;" Det. Marshall also observed approximately 20 glass jars containing a green plant like substance consistent with marijuana; Det. Marshall further observed a price list attached to the wall inside the business as well as a digital scale on or near a counter inside the business; Det. Marshall made contact with Nicholas Slater who told Det. Marshall that Slater volunteers to work at the shop in exchange for quantities of marijuana; Det. Marshall observed computers and surveillance equipment inside the business.
5. Affiant made contact with Det/Sgt Kate Straus, West Michigan Enforcement Team, who told Affiant the following: Det/Sgt Straus also responded to the "Deuces Wild Smoke Shop;" Det/Sgt Straus made contact with an individual





identified as Derek Antol, DOB 3/9/1978; Antol told Det/Sgt Straus that he is the owner of "Deuces Wild Smoke Shop;" Antol told Det/Sgt Straus that Antol owns two residences in Muskegon County; Antol told Det/Sgt Straus that he owns 423 East Farr Road, Norton Shores, Muskegon County, State of Michigan, and 1769 North Green Creek Road, Laketon Township, Muskegon County, State of Michigan.

6. Affiant used the LEIN law enforcement information database to determine that Derek Antol, DOB 3/9/1978, was convicted of Deliver/Manufacture Marijuana on 10/1/2002 in Muskegon County, Possession of Less than 25 Grams of a Controlled Substance on 2/14/2006 in Muskegon County, and Deliver/Manufacture Less than 50 Grams of a Controlled Substance on 5/4/2006 in Muskegon County.

7. Affiant knows through prior contacts and investigation of Derek Antol is not a "Caregiver" pursuant to the Michigan Medical Marijuana Act. Affiant further knows, through training and experience, that convicted felons cannot be qualified as "Caregivers" under the Medical Marijuana Act.

8. Affiant has read the recent case of *People v Hartwick*, 303 Mich App 247; 842 NW2d 545 (2013), which sets forth the general laws regarding the Michigan Medical Marijuana Act (MMMA) as follows: The MMMA originated as a citizen's initiative petition and was approved by the people of Michigan in November 2008.... Its expressed purpose is to allow a "limited class of individuals the medical use of marijuana...." The statute "does not create a general right for individuals to use and possess marijuana in Michigan." ... Nonmedical-related possession, manufacture, and delivery of the drug (and medical-related possession, manufacture, and delivery not in compliance with the MMMA) "remain punishable offenses under Michigan law." ... The MMMA is best viewed as an "exception to the Public Health Code's prohibition on the use of controlled substances [that permits] the medical use of marijuana when carried out in accordance with the MMMA's provisions." ... The statute's protections are "limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use 'is carried out in accordance with the provisions of [the MMMA].'" The requirements of § 8 of the MMMA "are intended for a patient or caregiver that is intimately aware of exactly how much marijuana is required to treat a patient's condition, which he learns from a doctor with whom the patient has an ongoing relationship." *Hartwick*, 303 Mich App at 268.

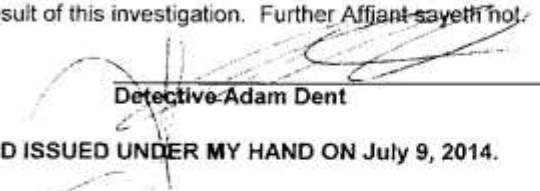
9. Affiant has read *State v McQueen*, 493 Mich 135; 828 NW2d 644 (2013). That case establishes that Section 4 immunity under the MMMA "does not extend to a registered primary caregiver who transfers marijuana for any purpose other than to alleviate the condition or symptoms of a specific patient with whom the caregiver is connected through the [Michigan Department of Community Health's] registration process." *Id.*, 156 (emphasis in original).

10. Neither "Deuces Wild Smoke Shop," nor its employees, inquired how much marijuana is required to treat Affiant's conditions. Affiant presented no evidence regarding how much marijuana he required to treat his pain or medical condition and how often it should be treated.

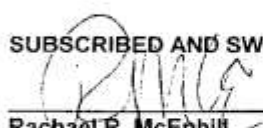
11. Affiant has personally observed 885 East Apple Avenue, "Deuces Wild Smoke Shop," City of Muskegon, County of Muskegon, State of Michigan, and has observed it to be consistent with the above provided description.

12. Based upon drug investigation training and experience, Affiant has observed that additional marijuana, digital scales, guns, weapons, ammunition, money, records of monetary deposits and transfers, financial records, computers, computer tablets, surveillance equipment, drug records, drug packaging materials, drug distribution materials, cell phones, pagers and drug paraphernalia are often found in areas where persons are selling or storing illegal drugs including additional marijuana. Affiant has also come to know, based upon training and experience, that individuals involved in the sale or storage of illegal controlled substances will commonly hide controlled substances and/or the proceeds from the sale of controlled substances in their residences, outbuildings located on the premises, and vehicles owned or controlled by them and located on the premises.

13. Affiant intends to seek criminal warrants as a result of this investigation. Further Affiant says that not.

  
Detective Adam Dent

SUBSCRIBED AND SWORN TO BEFORE ME AND ISSUED UNDER MY HAND ON July 9, 2014.

  
Rachael R. McEnhill  
Prosecuting Attorney

  
60TH DISTRICT COURT JUDGE



## STATE OF MICHIGAN, COUNTY OF MUSKEGON} SS

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July 9, 2014, AFFIANT DETECTIVE ADAM DENT APPEARS BEFORE THE UNDERSIGNED MAGISTRATE AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES AND MAKES THIS AFFIDAVIT IN SUPPORT OF THE ISSUANCE OF A SEARCH WARRANT TO SEARCH THE FOLLOWING DESCRIBED PLACE(S) AND/OR PERSON(S):

1769 North Green Creek Road, Laketon Township, Muskegon County, State of Michigan, including any outbuildings and/or vehicles located on the premises. 1769 North Green Creek Road is more fully described as follows: 1769 North Green Creek Road is a two story single family residential dwelling; 1769 North Green Creek Road is tan in color with tan trim; 1769 North Green Creek Road has a two stall attached garage; 1769 North Green Creek Road is the sixth residence north of Giles Road on the west side of Green Creek Road; a mailbox with the numbers "1769" affixed is located directly across North Green Creek Road from the residence of 1769 North Green Creek Road.

**AND TO THERE SEIZE, SECURE, TABULATE AND MAKE RETURN ACCORDING TO LAW THE FOLLOWING PROPERTY AND THINGS:**

Illegal drugs including Marijuana; digital scales; money; records of monetary deposits and transfers; computers and their contents; computer tower and its contents; computer storage devices and their contents; computer tablets and their contents; surveillance equipment, including but not limited to recording devices, storage devices, any recordings of drug transactions; financial records; drug records, including but not limited to Patient Cards, Caregiver Cards, records of Patient sign-in sheets, Patient Caregiver Application forms, waiver forms, Patient information forms, any and all patient records; guns; weapons; ammunition; drug packaging materials; drug distribution materials; cell phones and their contents; drug paraphernalia; proof of residency; photographs.

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13. Affiant intends to seek criminal warrants as a result of this investigation. Further Affiant sayeth not.

  
Detective Adam Dent

SUBSCRIBED AND SWORN TO BEFORE ME AND ISSUED UNDER MY HAND ON July 9, 2014.

  
Rachael R. McEnhill  
Prosecuting Attorney

60TH DISTRICT COURT JUDGE



ADAM DENT  
5/10/2018

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| <p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES OF AMERICA<br/>IN THE WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION</p> <p>DEREK ANTOL, individually and as<br/>Next Friend of DSA, a minor, DSAII,<br/>a minor, and TRYSTON ANTOL,</p> <p style="text-align: center;">Plaintiffs,                      Case No. 1:17-cv-613</p> <p style="text-align: center;">-v-                      HON. JANETT T. NEFF</p> <p>ADAM DENT, KATE STRAUS, CASEY<br/>BRINGEDAHN, CASEY TRUCKS, PETE<br/>KUTCHES, and WESTERN MICHIGAN<br/>ENFORCEMENT TEAM, a public body<br/>organized under the laws of the<br/>State of Michigan,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p style="text-align: center;">DEPOSITION OF ADAM DENT</p> <p style="text-align: center;">Taken by the Plaintiffs on the 10th day of May, 2018,<br/>at the offices of Cummings, McCloskey, Davis &amp; Aches, 2851<br/>Charlevoix Drive, Suite 327, Grand Rapids, Michigan, at<br/>1:34 p.m.</p> <p>APPEARANCES:</p> <p>For the Plaintiffs: MR. J. NICHOLAS BOSTIC (P48653)<br/>909 N. Washington Avenue<br/>Lansing, MI 48906<br/>(517) 706-0132</p> <p>For the Defendants: MR. ADAM P. SADOWSKI (P77864)<br/>Casey Trucks: MR. PATRICK MYERS (P81444)<br/>525 W. Ottawa Street<br/>P.O. Box 10736<br/>Lansing, MI 48909<br/>(517) 373-6434</p> | <p style="text-align: right;">Page 3</p> <p style="text-align: center;">TABLE OF CONTENTS</p> <p style="text-align: right;">PAGE</p> <p>ADAM DENT:</p> <p style="text-align: right;">Direct Examination by Mr. Bostic                      5</p> <p>EXHIBITS:</p> <p style="text-align: right;">None.                      IDENTIFIED</p>   |
| <p style="text-align: right;">Page 2</p> <p>For the Defendants: MR. CURT A. BENSON (P38891)<br/>Sirius, Bringedahl, &amp; MR. BRADLEY WANALUNAS (P )<br/>Kutches: 2851 Charlevoix Drive, Suite 327<br/>Grand Rapids, MI 49546<br/>(616) 975-7470</p> <p>Recorded by: Denise L. Jamba, CER 0786<br/>Certified Electronic Recorder</p>   | <p style="text-align: right;">Page 4</p> <p>1 Grand Rapids, Michigan</p> <p>2 Thursday, May 10, 2018 - 1:34 p.m.</p> <p>3 ADAM DENT</p> <p>4 HAVING BEEN CALLED BY THE PLAINTIFFS AND SWORN:</p> <p>5 MR. BOSTIC: State your name for the record,</p> <p>6 please.</p> <p>7 THE WITNESS: Adam Dent, D-e-n-t.</p> <p>8 MR. BOSTIC: Mr. Dent, my name is Nick Bostic.</p> <p>9 I represent the plaintiffs in this matter. It's the</p> <p>10 Western District of Michigan, Antol and others versus Dent</p> <p>11 and others, 1:17-cv-613. Today is the time and date set</p> <p>12 for your deposition.</p> <p>13 Counsel, is there any objection to notice?</p> <p>14 MR. BENSON: None.</p> <p>15 MR. SADOWSKI: Oh, I'm sorry. I'm reading e-</p> <p>16 mail. Adam Sadowski on behalf of Defendant Trucks.</p> <p>17 MR. BOSTIC: Any objection to notice?</p> <p>18 MR. SADOWSKI: No.</p> <p>19 MR. BOSTIC: Okay.</p> <p>20 Counsel, identify yourself for --</p> <p>21 MR. BENSON: Curt Benson here representing</p> <p>22 Detective Dent.</p> <p>23 MR. WANALUNAS: Brad Wanalunas here representing</p> <p>24 Detective Dent.</p> <p>25 MR. MYERS: Patrick Myers on behalf of the</p> |

1 (Pages 1 to 4)

Tri-County Court Reporters  
248-608-9250

Electronically signed by Denise Jamba (201-416-679-6803)

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ADAM DENT  
5/10/2018

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| <p style="text-align: right;">Page 5</p> <p>1 Attorney General's office.<br/>2 DIRECT EXAMINATION<br/>3 BY MR. BOSTIC:<br/>4 Q Mr. Dent, do you recall being deposed I think in 2015<br/>5 concerning an incident on July 9, 2014 in the context of a<br/>6 civil forfeiture case?<br/>7 A I do recall.<br/>8 Q Have you ever reviewed a transcript of your deposition<br/>9 from that case?<br/>10 A I did.<br/>11 Q When did you review that?<br/>12 A Within the last few days.<br/>13 Q Is there anything that you noticed in any of your answers<br/>14 in that deposition that you wish to correct?<br/>15 A No, sir.<br/>16 Q On July 9, 2014, where were you employed?<br/>17 A The City of Muskegon Police Department.<br/>18 Q Do you know a person named Derek Antol?<br/>19 A I do.<br/>20 Q When was the first time you had in-person contact with Mr.<br/>21 Antol?<br/>22 A Forgive me on the date, but it was some time, I believe,<br/>23 in 2011 during a traffic stop.<br/>24 Q How long -- let's see, so on July 9th of '14, you were on<br/>25 the Western Michigan Enforcement Team?</p>  | <p style="text-align: right;">Page 7</p> <p>1 Q How do you know him?<br/>2 A I was employed with him at the City of Muskegon for<br/>3 several years.<br/>4 Q So if his report indicates that he assisted WEMET with a<br/>5 traffic stop on April 25, 2011, would that be the traffic<br/>6 stop that you're thinking about?<br/>7 A Yes, sir.<br/>8 Q Were you involved at all in some interactions between<br/>9 members of the Muskegon Police Department and Ms. Conklin<br/>10 in March of 2011 concerning her permit to purchase a<br/>11 pistol?<br/>12 A I do not believe so.<br/>13 Q Were you aware that there had been an issue about her<br/>14 purchase permit because of sharing a household with Derek?<br/>15 A I have to say I don't recall.<br/>16 Q Okay. You weren't in the Muskegon police building all<br/>17 that often while you were on WEMET, is that --<br/>18 A No. We were in a secured off-site location that was not<br/>19 known to many and we very rarely -- usually like one day a<br/>20 week for maybe an hour I'd stop by the police department<br/>21 to pick up paperwork.<br/>22 Q I didn't see any indication that you were -- your name<br/>23 came up in those reports. I was just wondering if you, at<br/>24 any point, had been made aware of them.<br/>25 A I do not believe so, --</p> |
| <p style="text-align: right;">Page 6</p> <p>1 A That's correct.<br/>2 Q We'll call that WEMET, okay?<br/>3 A Yes, sir.<br/>4 Q How long had you been on WEMET?<br/>5 A I began December, 2010, so in 2014, three and a half, four<br/>6 years.<br/>7 Q When we deposed Mr. Dent (sic) this morning, he said<br/>8 something about a raid having been conducted on a building<br/>9 on Apple but not at 885. It was the Greater Michigan<br/>10 Compassion Club. Does that ring a bell?<br/>11 A Just to clarify, you mean -- that wasn't me this morning.<br/>12 You said Mr. Dent.<br/>13 Q Mr. Antol. Sorry.<br/>14 A Okay. Do I recall that?<br/>15 Q Yes.<br/>16 A It was not a raid, though, that I was a part of.<br/>17 Q Was it just part of an aftermath of a traffic stop?<br/>18 A Yes, sir.<br/>19 Q Okay. So your recollection is that the -- the traffic<br/>20 stop in the spring of 2011 was your first in-person<br/>21 contact with him?<br/>22 A That is correct. That's from my recollection. I have not<br/>23 reviewed any police reports in several years.<br/>24 Q Okay. Do you know a person named Casey Bringedahl?<br/>25 A I do, sir.</p> | <p style="text-align: right;">Page 8</p> <p>1 Q Okay.<br/>2 A -- but I couldn't specifically recall anything.<br/>3 Q Why did you ask Officer Bringedahl to stop Mr. Antol?<br/>4 A From my recollection and I believe my prior deposition<br/>5 testimony, Detective Ottinger had information about<br/>6 potential narcotics and the traffic stop was requested<br/>7 through him -- or by him to me. Since I was the City of<br/>8 Muskegon Police detective at that point in time, I had<br/>9 communication -- direct communication with my department,<br/>10 so I requested Bringedahl, who I believe was the closest<br/>11 available officer.<br/>12 Q And he was in uniform, he being Mr. Bringedahl, was in<br/>13 uniform at the time?<br/>14 A That is correct.<br/>15 Q Subsequently he was also on WEMET?<br/>16 A Yeah. A few years later he was.<br/>17 Q Okay. So Detective -- how did you say that?<br/>18 A Ottinger.<br/>19 Q How do you spell that?<br/>20 A O-t-t-i-n-g-e-r.<br/>21 Q All right. So was he just another detective assigned to<br/>22 WEMET at the time?<br/>23 A That's correct. He was a Muskegon County Sheriff's deputy<br/>24 assigned to WEMET.<br/>25 Q Okay. But you had radio capability direct to the Muskegon</p>   |

2 (Pages 5 to 8)

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| <p style="text-align: right;">Page 9</p> <p>1 patrol?</p> <p>2 A That's correct.</p> <p>3 Q And that's why you were in the loop?</p> <p>4 A Correct. So Detective Ottinger requested a stop over the</p> <p>5 WEMET frequency, and then I went to our Muskegon P.D.</p> <p>6 frequency and relayed what we needed.</p> <p>7 Q Did you have informant information regarding that stop?</p> <p>8 A I had none.</p> <p>9 Q You were just the radio medium guy?</p> <p>10 A That's correct, relay.</p> <p>11 Q Okay. What did Detective Ottinger tell you -- well, did</p> <p>12 he tell you the nature of the information that he had?</p> <p>13 A I don't recall.</p> <p>14 Q So you didn't add anything to it like, "An informant says</p> <p>15 he's holding this drug or that drug," or anything?</p> <p>16 A No, sir. Whatever information I would have had at the</p> <p>17 time either I put in a report or potentially even</p> <p>18 Detective Ottinger. I don't recall if he -- Jeff did a</p> <p>19 report or not. I would say WEMET at the time had four or</p> <p>20 five agencies on it and we had eight detectives, so I</p> <p>21 apologize, it varied at the time in my five years out</p> <p>22 there, and, you know, frequently if I was out in the</p> <p>23 county, I would ask, you know, either the MSPD detective</p> <p>24 or the county detective to request a traffic stop for me.</p> <p>25 Q Did you arrive at the scene of the traffic stop?</p> | <p style="text-align: right;">Page 11</p> <p>1 Q How do you spell Walte?</p> <p>2 A W-a-l-t-z.</p> <p>3 Q Steve?</p> <p>4 A Yep.</p> <p>5 Q Okay. Was there a policy in place that you became aware</p> <p>6 of, and again back in 2011, about the drug teams wanting</p> <p>7 to inspect dispensaries?</p> <p>8 A I -- I would ask you to clarify.</p> <p>9 Q I've had several cases where drug teams have approached</p> <p>10 people and claimed they have a right to inspect under the</p> <p>11 Medical Marijuana Act. Now, whether that's true or not --</p> <p>12 so as a background, that's what I'm --</p> <p>13 A Uh-huh.</p> <p>14 Q Were you aware of any kind of memo or directions or policy</p> <p>15 that came either from WEMET, the WEMET board, the state</p> <p>16 police, the AG's office of that nature?</p> <p>17 A I would say no. I would say at that time and even now,</p> <p>18 unless someone's licensed, there's always been a gray area</p> <p>19 on dispensaries, and at the time anyone's selling, there</p> <p>20 were several different appellate court decisions that I</p> <p>21 was aware of, but most of it was still gray area if it was</p> <p>22 even legal to dispense out of a -- in an establishment,</p> <p>23 we'll call it, a dispensary. So -- but there was no</p> <p>24 direction from anybody necessarily over what we were</p> <p>25 allowed to say. Any time I wanted to check anyone's</p>   |
| <p style="text-align: right;">Page 10</p> <p>1 A I did. I was in direct observation of it at some point.</p> <p>2 Q Did you have personal interaction with Mr. Antol or</p> <p>3 Samantha Conklin at the traffic stop?</p> <p>4 A I did, I believe.</p> <p>5 Q And at some point did you ask Mr. Antol if you could</p> <p>6 search his business location?</p> <p>7 A From my recollection, yes, but that was back at the</p> <p>8 Muskegon Police Department.</p> <p>9 Q Was -- where was that location?</p> <p>10 A The Muskegon Police Department or --</p> <p>11 Q No, no. No, the business location.</p> <p>12 A That -- that was the one on -- I believe it was the</p> <p>13 Muskegon Compassion Club. It was out in the township --</p> <p>14 Muskegon Township somewhere on Apple.</p> <p>15 Q Other than -- other than 885?</p> <p>16 A Yeah. Oh, yeah, correct.</p> <p>17 Q How about 2116 East Apple?</p> <p>18 A That sounds about right. I -- I can't say specifically</p> <p>19 unless I see the report, but, however, it's probably --</p> <p>20 1900 block's the highway and it was a little past that.</p> <p>21 Q So why did you want to look in -- at the business?</p> <p>22 A Honestly, I don't recall. I just remember myself and</p> <p>23 Detective Sergeant Waltz, I believe, was interviewing with</p> <p>24 me and we asked consent to search the business and it was</p> <p>25 obtained. I believe there was a written consent obtained.</p>   | <p style="text-align: right;">Page 12</p> <p>1 property, I either asked for consent or obtained a search</p> <p>2 warrant, period.</p> <p>3 Q But was there any direction, pressure, requests, emphasis</p> <p>4 from within law enforcement to suggest that law</p> <p>5 enforcement had a right to inspect? And again we're back</p> <p>6 in 2011.</p> <p>7 A I'm going to say not that I'm aware of, no. There were</p> <p>8 very few -- I think that Compassion Club was the first one</p> <p>9 that popped up in Muskegon County that I'm aware of or</p> <p>10 recall, and I don't remember there being any pressure to</p> <p>11 inspect it. I didn't inspect it until after the traffic</p> <p>12 stop when we found marijuana in the vehicle, and then I</p> <p>13 asked consent to inspect or search the business.</p> <p>14 Q But if you find traffic -- if you find marijuana on a</p> <p>15 traffic stop, what's the connection to go look at the</p> <p>16 business?</p> <p>17 A Well, one, I would say the information I had at the time I</p> <p>18 believe connected Derek to the ownership or something, the</p> <p>19 information I was given, and I ask consent for everything.</p> <p>20 If it's a grandma on a traffic stop and I feel like there</p> <p>21 might be something in a vehicle, I'll ask Grandma for</p> <p>22 consent to search. I just was a really proactive officer.</p> <p>23 Q Did you ever have any kind of direction or emphasis from</p> <p>24 the City of Muskegon Police Department to be aggressive</p> <p>25 toward these medical marijuana facilities?</p> |

3 (Pages 9 to 12)

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| <p style="text-align: right;">Page 13</p> <p>1 A No. There was a time in 2014 or '13 where we were asked<br/>2 to try to make attempts to purchase at these facilities to<br/>3 see if they're actually selling and we did that, but that<br/>4 was it.<br/>5 Q Wasn't that also about the time Muskegon was trying to get<br/>6 its ordinance written?<br/>7 A I would say maybe. I don't know how to answer that 'cause<br/>8 obviously I'm not involved in making the ordinances, so I<br/>9 wouldn't -- wouldn't know the specifics.<br/>10 Q So then again in April of 2011, did you also then ask to<br/>11 inspect his residence?<br/>12 A I or Detective Sergeant Waltz did, yes.<br/>13 Q And was that given?<br/>14 A Yes.<br/>15 Q Now, where was Ms. Conklin during all of this?<br/>16 A So I don't recall who we interviewed first. I haven't<br/>17 read the police report, like I said. But we interviewed<br/>18 Derek and Samantha separately, standard procedure, and so<br/>19 Samantha was at the police department either under direct<br/>20 observation or from a sergeant or lieutenant or Office<br/>21 Bringedahl at the time --<br/>22 Q She --<br/>23 A -- likely in the basement.<br/>24 Q She did not go to either the Compassion Club or the<br/>25 dwelling, correct?</p> | <p style="text-align: right;">Page 15</p> <p>1 Compassion Club in April of 2011, correct?<br/>2 A I don't recall that.<br/>3 Q Do you recall having to return all of the marijuana, the<br/>4 firearm, and all of the things that were seized to Mr.<br/>5 Antol and Ms. Conklin?<br/>6 A One, I likely wouldn't have been the one to return it, but<br/>7 I don't recall.<br/>8 Q Do you recall the prosecutor's office declining to bring<br/>9 any charges?<br/>10 A I do recall that.<br/>11 Q Did you protest the return of their property to them?<br/>12 A No. I could care less.<br/>13 Q And both of the -- in April of 2011, the Compassion Club<br/>14 and the house were searched pursuant to a consent,<br/>15 correct?<br/>16 A One hundred percent.<br/>17 Q Did you also get a separate consent for the seizure?<br/>18 A One, I don't recall seizing anything, but, two, if I would<br/>19 have saw anything illegal, then I either would have seized<br/>20 it under plain-view doctrine or because I had probable<br/>21 cause to believe it was contraband.<br/>22 Q After I ask you all the questions about it, then I<br/>23 remembered I do have a report. Looking at the first five<br/>24 pages, that's obviously through the Freedom of Information<br/>25 Act --</p> |
| <p style="text-align: right;">Page 14</p> <p>1 A No, but I recall we -- we spoke to her with Derek and let<br/>2 her know where we were going.<br/>3 Q But my point is you left the building with Derek and went<br/>4 to both locations?<br/>5 A That's correct.<br/>6 Q And isn't it true that while you were doing that, she was<br/>7 chained to a desk?<br/>8 A That's incorrect.<br/>9 Q Where was she?<br/>10 A If she was chained, I don't know if she was, she would<br/>11 have had one handcuff on, and there was a spot at the<br/>12 Muskegon Police Department -- there's two spots to secure<br/>13 prisoners, and to prevent escape and to make it more<br/>14 comfortable for someone not to wear handcuffs behind their<br/>15 back or two handcuffs in front of them the whole time,<br/>16 there's a chain that comes out of the wall that's secured<br/>17 and they can one handcuff to it.<br/>18 Q Is that where she was?<br/>19 A At some point, she likely was, but I was not with her the<br/>20 whole time, I was with Derek.<br/>21 Q Did you put her there?<br/>22 A Absolutely not.<br/>23 Q Who did?<br/>24 A I do not know.<br/>25 Q And then you seized things from the dwelling and the</p>  | <p style="text-align: right;">Page 16</p> <p>1 A Um-hum.<br/>2 Q -- because it has redactions, but look at the second --<br/>3 look at Supp 1. I think it's the third or fourth page.<br/>4 They forgot to redact who the investigating officer was on<br/>5 one page. Look down at the bottom of Supp 1. Do you see<br/>6 your name?<br/>7 A Yeah.<br/>8 Q Okay. And so --<br/>9 A I think this was my report.<br/>10 Q -- which Supp is that?<br/>11 A Supp 1.<br/>12 Q Okay. The original, who do you think authored the<br/>13 original incident report?<br/>14 A I would say Detective Ottinger probably did --<br/>15 Q Okay.<br/>16 A -- 'cause that's all his tip information in there.<br/>17 Q What's our incident number, 11-11?<br/>18 A Yeah, 111-11.<br/>19 Q 111-11. Okay. So you think the original was Ottinger?<br/>20 A Likely.<br/>21 Q Okay. Now, look at whatever you need to in there, but see<br/>22 if you can refresh your memory about whether or not<br/>23 anything was seized.<br/>24 A Well, I know there was stuff seized from the vehicle.<br/>25 MR. BENSON: Take as much time as you need.</p>   |

4 (Pages 13 to 16)

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| <p style="text-align: right;">Page 17</p> <p>1 Just go ahead and review it.</p> <p>2 THE WITNESS: In this supplement, it doesn't</p> <p>3 appear that I seized anything. Now, Detective Ottinger</p> <p>4 might have seized more 'cause there's not a property</p> <p>5 section in mine of any property and that would have</p> <p>6 automatically went in there.</p> <p>7 BY MR. BOSTIC:</p> <p>8 Q So in Supp 1, the list of things is from the truck?</p> <p>9 A Where are you talking? I'm sorry. Interview --</p> <p>10 Q Where's that list? Right there.</p> <p>11 A These are his statements, this list, --</p> <p>12 Q Okay.</p> <p>13 A -- so I questioned him. He said there's no other useable</p> <p>14 marijuana at the -- so when I type it, I don't do exact</p> <p>15 word for word, right? I take a synopsis of what he said</p> <p>16 because I believe this was being videoed and that went</p> <p>17 through it. But these are -- he had \$4,576 on him, you</p> <p>18 know, \$1881 from his back pocket, \$2695 from his front, so</p> <p>19 there's money, this, that and the other. So in Detective</p> <p>20 Ottinger's report, yes, there are some items seized.</p> <p>21 Q From the business --</p> <p>22 A I don't know.</p> <p>23 Q -- or the residence?</p> <p>24 A Quick glancing at it, it looks like it's from the vehicle</p> <p>25 from the traffic stop. There's 21 mason jars which</p> | <p style="text-align: right;">Page 19</p> <p>1 A It's been a few years.</p> <p>2 Q What do you recall prompted your investigation again in</p> <p>3 the middle of 2013?</p> <p>4 A I don't recall what prompted it specifically, but we -- I</p> <p>5 remember I did a undercover buy from the --</p> <p>6 Q Well, that's also going to be about the time you seem to</p> <p>7 recall that the city was asking WEMET to try to make buys</p> <p>8 from these facilities.</p> <p>9 A There was a point when the city requested -- specifically</p> <p>10 what I was told is the chief requested it, and stuff rolls</p> <p>11 downhill, so as the detective on the team, I was requested</p> <p>12 to make a buy and attempt at all the Compassion Clubs or</p> <p>13 dispensaries in the city, whichever you'd like to call</p> <p>14 them, and several attempts were made, and from my</p> <p>15 recollection, his was the only shop that sold.</p> <p>16 Q Have you ever been on any other drug teams other than</p> <p>17 WEMET?</p> <p>18 A Oh, no, sir.</p> <p>19 Q Did WEMET have a practice of having the officer assigned</p> <p>20 from a jurisdiction also do undercover work in that</p> <p>21 jurisdiction?</p> <p>22 A Typically?</p> <p>23 Q How many counties -- in 2013, how many -- how many</p> <p>24 different agencies sent personnel -- law enforcement</p> <p>25 personnel to WEMET?</p>  |
| <p style="text-align: right;">Page 18</p> <p>1 appears to be over 11 ounces of marijuana.</p> <p>2 Q That was in the duffel bag in the truck, though, right?</p> <p>3 A Yeah, black duffel bag, black jars, plastic bag of</p> <p>4 marijuana, total weight, 440 grams, .4 to be exact.</p> <p>5 Q All right. I may have misunderstood Derek's testimony.</p> <p>6 He may have only been talking about the -- the truck.</p> <p>7 So -- but I just wanted to see if you guys were on the</p> <p>8 same page. You see what the discrepancy was seven years</p> <p>9 ago. We're not really terribly worried about that one.</p> <p>10 A After reviewing that, yes, I obtained consent for both</p> <p>11 residences. Derek went with me unhandcuffed.</p> <p>12 Q But your recollection is that the police didn't seize</p> <p>13 anything from the dwelling or the business?</p> <p>14 A Not from my recollection, not according to my report.</p> <p>15 Q Okay.</p> <p>16 A At least I did not.</p> <p>17 Q Between April of 2011 and June of 2013, did you have any</p> <p>18 additional contact with Mr. Antol?</p> <p>19 A I don't believe so.</p> <p>20 Q What about Ms. Conklin?</p> <p>21 A I don't believe so.</p> <p>22 Q Did you have a chance to review your report from June 4th</p> <p>23 of 2013?</p> <p>24 A No, I did not.</p> <p>25 Q When was the last time you think you saw that report?</p>              | <p style="text-align: right;">Page 20</p> <p>1 A That's -- that's a hard question to answer because we</p> <p>2 cover several counties and our team alone was under WEMET</p> <p>3 and just covered Muskegon County. However, we went</p> <p>4 outside of Muskegon County frequently and we would work</p> <p>5 with the other WEMET teams, so four or five counties WEMET</p> <p>6 covers.</p> <p>7 Q Okay. So we've been referring to WEMET as a team, but</p> <p>8 what you're saying is WEMET is multiple teams?</p> <p>9 A That's correct. There's like WEMET North, WEMET South.</p> <p>10 You know, I guess the team above us was not called WEMET,</p> <p>11 it was called something else in Ludington. But WEMET, us,</p> <p>12 and then there's WEMET Ottawa, which is south, and there's</p> <p>13 WEMET Allegan for sure, so there's three counties, maybe</p> <p>14 four that we covered frequently. But I was just on the</p> <p>15 Muskegon specific team, which is where I worked out of, I</p> <p>16 guess I should say and clarify.</p> <p>17 Q But, for example, if the Holland team -- Ottawa team needs</p> <p>18 an undercover officer, do you understand what I'm saying</p> <p>19 when I -- when I say it would be a best practice to not</p> <p>20 use the Holland or the Ottawa County officers to do the</p> <p>21 U.C. work because they might be recognized?</p> <p>22 A I would say in five years, I was recognized one time doing</p> <p>23 undercover work, so I would say it's uncommon to be</p> <p>24 recognized in undercover work. But I would say nothing's</p> <p>25 normal in narcotic investigations. If Holland needed an</p> |

5 (Pages 17 to 20)

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| <p style="text-align: right;">Page 21</p> <p>1 extra person because their team felt uncomfortable, they<br/>2 would call us. We would frequently ask the Holland or the<br/>3 Ottawa team to come up if we wanted to do, you know,<br/>4 street buys, which would frequently burn your face up<br/>5 quicker than other operations. So I don't have a great<br/>6 answer for it besides it depends.<br/>7 Q But you -- did you ever -- when you went through basic and<br/>8 advanced narcotics training, did they not tell you that<br/>9 that was the better practice?<br/>10 A I don't specifically recall that portion.<br/>11 Q So why were you chosen to be the one to go in and make the<br/>12 buys?<br/>13 A You know, I don't recall. I just know that myself. Tim<br/>14 Bahorski was an officer and a sergeant on the team. There<br/>15 was always three, sometimes four city detectives and/or<br/>16 sergeants on the team, and it was randomized, you know.<br/>17 It never really mattered. I don't remember why it was<br/>18 myself that day. It could have been, you know, my<br/>19 sergeant said, "You're going." But I did a lot of<br/>20 undercover work.<br/>21 Q In the city?<br/>22 A All over, yeah.<br/>23 Q So we have a couple of buys at 885 in June of 2013,<br/>24 correct?<br/>25 A Yeah. I believe I made two buys.</p>  | <p style="text-align: right;">Page 23</p> <p>1 Q -- in your undercover name, --<br/>2 A Correct.<br/>3 Q -- which is an assigned name, correct?<br/>4 A We pick it --<br/>5 Q Well, --<br/>6 A -- or I pick it.<br/>7 Q -- assigned wasn't the right word. My point is the state<br/>8 police -- it's -- it's an authorized name, you don't make<br/>9 a new one up for each investigation?<br/>10 A No, it's -- it's 100 percent my fictitious identification.<br/>11 Q Right, 'cause you have an official fake driver's license?<br/>12 A That is correct, yeah, 100 percent. Well, I don't any<br/>13 longer.<br/>14 Q They still make you turn that in, huh?<br/>15 MR. BENSON: I had one of those when I was 17.<br/>16 THE WITNESS: Oh, this one's real.<br/>17 MR. SADOWSKI: Issued from the state?<br/>18 THE WITNESS: This one's real.<br/>19 MR. SADOWSKI: You had some connections.<br/>20 BY MR. BOSTIC:<br/>21 Q So what ailments do you select?<br/>22 A I believe mine said, and I'm going based on the<br/>23 deposition, I think it was Crohn's -- Crohn's disease.<br/>24 Q What did you do with those fake documents when you were<br/>25 done with this investigation?</p>  |
| <p style="text-align: right;">Page 22</p> <p>1 Q Do you think anybody else made any other buys?<br/>2 A I recall Detective Bahorski, it could have been Sergeant<br/>3 Bahorski at the time tried twice, made two attempts and<br/>4 was turned away because we didn't do the plastic cards, we<br/>5 did fictitious paperwork and --<br/>6 Q And those -- those --<br/>7 A -- Sam or Derek were not there.<br/>8 Q Those attempts were later in the year 2013, correct?<br/>9 A Yeah, I believe so. The investigation was started, there<br/>10 was a couple buys, and then I don't remember why they just<br/>11 kind of went on pause. I don't remember if it was we were<br/>12 busy with other -- other things or what. I don't recall<br/>13 specifically.<br/>14 Q So describe to me these fake documents that you created to<br/>15 go in there.<br/>16 A Well, they weren't fake. They would -- I would say like<br/>17 the names and stuff were fictitious, so they were LARA<br/>18 forms specifically for marijuana caregiver and/or<br/>19 physician attestations, and they were filled out with our<br/>20 undercover license information to the T. And, you know,<br/>21 the physician attestation was obviously forged. We didn't<br/>22 go find a physician to sign it. And we did a fake<br/>23 cancelled check, as well.<br/>24 Q Okay. So you fill out the application form --<br/>25 A Um-hum.</p> | <p style="text-align: right;">Page 24</p> <p>1 A I recall just from the prior deposition that they were all<br/>2 turned over or copies were placed somewhere, like copies<br/>3 were given, turned over in the discovery, and I believe<br/>4 they were placed in evidence, but I'm not for sure.<br/>5 Q When you do that, would that be the kind of thing that you<br/>6 would keep in the file as an external document?<br/>7 A It -- it -- it could have been or it could have been<br/>8 placed in evidence, so I'm not 100 percent sure.<br/>9 Q So your recollection is that that was turned over to us in<br/>10 the forfeiture discovery?<br/>11 A In my prior testimony, it was turned over in the criminal<br/>12 case. I turned over everything, so the evidence, notes,<br/>13 everything.<br/>14 Q Oh, in the criminal. Okay. Any other ailments that you<br/>15 can think of that you selected?<br/>16 A Not that I recall.<br/>17 Q Now, the doctor certification, was the doctor's name real?<br/>18 A I don't recall.<br/>19 Q Okay.<br/>20 A I don't -- I don't believe so.<br/>21 Q Somebody just signed a doctor's name?<br/>22 A Yeah. It was one of the other detectives in the office so<br/>23 the handwriting didn't look the same.<br/>24 Q All right. And then you had a cancelled check, fake<br/>25 check?</p> |

6 (Pages 21 to 24)

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| <p style="text-align: right;">Page 25</p> <p>1 A That's correct.</p> <p>2 Q And then the point of those is to have the dates be before</p> <p>3 that 20-day or 60-day waiting period or whatever it was?</p> <p>4 A I think it was after. I think it was like if you don't</p> <p>5 hear after -- or within 20 days, then you're automatically</p> <p>6 approved at that time. So then that paperwork -- which</p> <p>7 was normal. I mean if I stopped -- since we're talking</p> <p>8 about Antol, if I stopped Derek Antol and he had that</p> <p>9 paperwork and he had 2 and 1/2 ounces of marijuana on him</p> <p>10 at the time and he was out of that 20-day window, it would</p> <p>11 be gold, right? It's like he was approved. So we were</p> <p>12 using those. Instead of going through the process of</p> <p>13 getting a fake, you know, medical marijuana card, we were</p> <p>14 just using this to see if people were issuing or</p> <p>15 dispensing.</p> <p>16 Q But -- but in this case, you did date them so that you</p> <p>17 were beyond that window?</p> <p>18 A That is true.</p> <p>19 Q And did you have a return receipt card like from the post</p> <p>20 office?</p> <p>21 A I don't believe so.</p> <p>22 Q So you just -- the application, the certification, and the</p> <p>23 check?</p> <p>24 A And the -- the fake cancelled check, yes.</p> <p>25 Q Oh, well, --</p> | <p style="text-align: right;">Page 27</p> <p>1 entry in there where every month it's basically telling me</p> <p>2 to do something with it. I have a certain number of cases</p> <p>3 I have to prioritize at the time, and this case sat there</p> <p>4 and then at some point, I needed to do something with it</p> <p>5 because every 30 days I'm having a lieutenant stick it on</p> <p>6 my desk telling me to do something with it. So my plan to</p> <p>7 do something with it was did pre-surveillance, spoke to</p> <p>8 the prosecutor's office, and was going to seek a record</p> <p>9 search warrant the following day. However, the Tobacco</p> <p>10 Tax Team arrived.</p> <p>11 Q So your last journal entry is June 5th, correct?</p> <p>12 A Yes, sir.</p> <p>13 Q When did you prepare Page 1 of Supp 3?</p> <p>14 MR. BENSON: Is that -- I'm sorry to interrupt.</p> <p>15 Just for the record, is that what he has -- is that what</p> <p>16 you just handed him?</p> <p>17 MR. BOSTIC: Yes.</p> <p>18 MR. BENSON: Okay. Thank you.</p> <p>19 THE WITNESS: So I prepared that, it says right</p> <p>20 here, July 9th of 2014. And you can see the journal</p> <p>21 entries of December of 2013, January, February, March,</p> <p>22 April, May, June of 2014 telling me pends further</p> <p>23 investigations.</p> <p>24 BY MR. BOSTIC:</p> <p>25 Q Well, and that's usually when you get a note dropped on</p>                        |
| <p style="text-align: right;">Page 26</p> <p>1 A So it was showing like it was cashed.</p> <p>2 Q Okay.</p> <p>3 A I believe that's what it was.</p> <p>4 Q All right, now, moving forward to July of 2014, you get a</p> <p>5 call from the Tobacco Tax Team fellows, correct?</p> <p>6 A I did not.</p> <p>7 Q But that's what prompted you to respond out there,</p> <p>8 correct?</p> <p>9 A That's what started the team to respond, yes, sir.</p> <p>10 Q And you got assigned to go get a search warrant?</p> <p>11 A That is correct. That was my plan for the day.</p> <p>12 Q Did you go to the scene first?</p> <p>13 A I did not.</p> <p>14 Q So you went straight to a typewriter or --</p> <p>15 A Yeah, a computer, prosecutor's office.</p> <p>16 Q Okay. And so the information in your affidavit, a lot of</p> <p>17 it is -- is being relayed to you?</p> <p>18 A A lot of it was. So the day before, I did pre-</p> <p>19 surveillance because of that investigation that we just</p> <p>20 spoke of, and we were going to do -- get -- attempt to</p> <p>21 obtain or seek a search warrant for records.</p> <p>22 Q So on July 8th, you, without prompting from the tax team,</p> <p>23 did pre-surveillance?</p> <p>24 A Yeah. For my investigation, we did pre-surveillance. As</p> <p>25 stated before in prior depositions, there's a journal</p>                                  | <p style="text-align: right;">Page 28</p> <p>1 your desk right after a supervisor reviews it to do</p> <p>2 something, right?</p> <p>3 A Approximately every 30 days, yes, the file's stuck on my</p> <p>4 desk, all my open files to basically tell me what to do or</p> <p>5 what I need to do with it, and at that time, it was</p> <p>6 Detective Sergeant Straus that's sticking them on my desk.</p> <p>7 Q So why is the July 8th entry not in chronological order</p> <p>8 with the other two July 9th entries?</p> <p>9 A You mean in my summary?</p> <p>10 Q Yes.</p> <p>11 A 'Cause that's -- that's just how I typed it. I have no</p> <p>12 idea.</p> <p>13 Q So on July 8th after you do the surveillance, do you not</p> <p>14 do any kind of a notation or a report indicating that you</p> <p>15 did the pre-surveillance?</p> <p>16 A No. That was not required from the investigations. So I</p> <p>17 did pre-surveillance, I did surveillance notes, which I</p> <p>18 believe you were given for the criminal case, and those</p> <p>19 surveillance -- those surveillance notes were eventually</p> <p>20 typed and then the next day the Tobacco Tax Team, as I</p> <p>21 state, arrived over there and we executed search warrants.</p> <p>22 Q All right.</p> <p>23 A So, no, I would not have, just because I did surveillance,</p> <p>24 came back and typed a report.</p> <p>25 Q But you would have done surveillance notes?</p> |

7 (Pages 25 to 28)

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| <p style="text-align: right;">Page 29</p> <p>1 A At least taken surveillance notes, yes. So I believe I<br/>2 had the description of both residences because I was<br/>3 there. Detective Bringedahl assisted me in that.<br/>4 Q By now -- by this date, he's on the team?<br/>5 A That's correct.<br/>6 Q Do you recall having a conversation with Mr. Antol about<br/>7 getting Tryston Antol's telephone?<br/>8 A I'd ask for you to be more specific because I recall cell<br/>9 phones being seized at some point, yes.<br/>10 Q When do you think you first arrived at 885 East Apple on<br/>11 July 9th?<br/>12 A I -- I could not tell you the time. It was in the<br/>13 afternoon.<br/>14 Q But you are typing search warrants at the prosecutor's<br/>15 office at first? I mean you don't go out to East Apple<br/>16 with the team, is that correct?<br/>17 A That is correct. So the team separated because I knew<br/>18 there was at least two residences plus the business now<br/>19 that the Tobacco Tax Team was at, so we separated. We<br/>20 sent two -- or a couple to Farr, a couple to Green Creek,<br/>21 and we sent however many went to the business, as well,<br/>22 so . . . They set up pre-surveillance on the, you know,<br/>23 residences and then I had conversations with detectives at<br/>24 each scene in order to relay and write the search warrant.<br/>25 Q So did you also do pre-surveillance on the 8th of Green</p> | <p style="text-align: right;">Page 31</p> <p>1 East Apple is a mile, max, so it's very possible that I<br/>2 met somebody on the way and handed off a search warrant to<br/>3 one location. You know, someone else might have just had<br/>4 to leave Apple and go to the other location with the other<br/>5 search warrant, but I don't recall.<br/>6 Q But you went to Apple first?<br/>7 A 'Cause it's the closest spot to where I was.<br/>8 Q And you -- did you have the search warrant for East Apple<br/>9 with you?<br/>10 A Absolutely.<br/>11 Q At what time did you arrive?<br/>12 A I do not recall.<br/>13 Q When you left the court building or about the time you got<br/>14 the magistrate's signature on the affidavits, did you tell<br/>15 anybody that you had the warrants in hand?<br/>16 A Per my prior deposition testimony, I contacted my command<br/>17 staff and notified them that I had the warrants signed.<br/>18 Q So even before you physically arrive at East Apple, you've<br/>19 put the word out?<br/>20 A Yes.<br/>21 Q And you were the affiant on all three search warrants,<br/>22 correct?<br/>23 A From my recollection.<br/>24 Q So let's -- let's fast forward to the summer of 2015.<br/>25 When did you leave WEMET?</p>   |
| <p style="text-align: right;">Page 30</p> <p>1 Creek and Farr Road?<br/>2 A I believe that's what my notes say, that we did pre-<br/>3 surveillance on those two locations.<br/>4 Q So you did all three locations?<br/>5 A Two or three, yeah, for sure. I got to be honest. I<br/>6 haven't read the search warrants in a while and I know<br/>7 that I probably would have put them in the search warrant,<br/>8 as well, when we saw the -- the surveillance information<br/>9 was probably pertinent, as well.<br/>10 Q Well, in the affidavit for the search warrant, you said<br/>11 that the information about the other two dwellings came<br/>12 from Detective Straus's interview. Why would you have put<br/>13 that in there if you already knew it from the previous<br/>14 day?<br/>15 A I don't recall.<br/>16 Q When you first arrived -- well, which of the three<br/>17 locations did you first go to on July 9th?<br/>18 A I believe it was Apple and I believe a detective or<br/>19 somebody met me at Apple and I gave them the other search<br/>20 warrants for Farr and Green Creek, but I'm not 100 percent<br/>21 sure that that's how it choreographed.<br/>22 Q But you -- you think you brought all three search warrants<br/>23 with you to East Apple first?<br/>24 A Or I met somebody on the way. They're like a mile apart,<br/>25 max. From the prosecutor's office and the courthouse to</p>                                     | <p style="text-align: right;">Page 32</p> <p>1 A November -- or, no, I think it was December. Yeah, it was<br/>2 December, 2015, and I retired early in January, 2016 and<br/>3 took my job now.<br/>4 Q How much employment time did you have with the City of<br/>5 Muskegon?<br/>6 A Just shy of 13.<br/>7 Q During your time with the City of Muskegon Police<br/>8 Department, were you ever disciplined?<br/>9 A Never.<br/>10 Q In 2014 and -- well, let's leave it to 2015, what do you<br/>11 recall being the procedures for handling of property<br/>12 within WEMET? Once it's been processed by the seizing<br/>13 detective, --<br/>14 A Um-hum.<br/>15 Q -- labeled, and turned over to the property personnel, who<br/>16 handles it and who has access to it?<br/>17 A So if I took in property, depending if I -- I maintain the<br/>18 property, I'd lock it in a specific safe locker, okay,<br/>19 depending on what type of property I had until I could<br/>20 process it fully, so if I needed it for any -- if I<br/>21 needed, you know, to test it or whatever, so it could take<br/>22 a day or so. But it's maintained by me. Then once I seal<br/>23 it either in a bag or a box, I seal it and initial it and<br/>24 then I let the boss know, "Hey, it needs to go down from<br/>25 Muskegon to Fillmore," which is where the Ottawa team is</p> |

8 (Pages 29 to 32)

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| <p style="text-align: right;">Page 33</p> <p>1 held, and that's the main property room. A sergeant,<br/>2 somebody besides me would run it down there 'cause they<br/>3 have to scan it in, right? They do the "I'm taking all<br/>4 this property and it's going down," and then it all gets<br/>5 scanned in. Make sense?</p> <p>6 Q Well, sort of, but my old school knowledge interfered with<br/>7 my assumptions. I forgot about WEMET -- I forgot about<br/>8 WEMET having other secret locations than Fillmore. I<br/>9 forgot about that part. So there's no permanent storage,<br/>10 and I don't want you to tell me where or anything, but<br/>11 there's no permanent storage at the WEMET office that you<br/>12 worked out of, correct?</p> <p>13 A No. It would go into evidence and it would stay it's in<br/>14 temporary locker 1, 2, 3, 4, or 20.</p> <p>15 Q But once you bag it and seal it, now it's ready for<br/>16 transport?</p> <p>17 A Correct. And then I would -- I'd let a boss know. There<br/>18 was like a process where you'd stick a magnet on the<br/>19 locker that was ready to go out.</p> <p>20 Q But a different locker than you controlled?</p> <p>21 A I don't recall.</p> <p>22 Q Okay.</p> <p>23 A I can just tell you that I bagged it, tagged it, let the<br/>24 boss know -- one of the bosses know it could go down. Any<br/>25 of the bosses, I believe, could make the run down there</p>   | <p style="text-align: right;">Page 35</p> <p>1 Q Okay.</p> <p>2 A -- that sort of thing. Or, I mean, I've had Bill just<br/>3 meet me if any one piece of property. He would come up<br/>4 for a prelim, so he could just control custody of it.</p> <p>5 Q If you knew far enough in advance, could whoever makes the<br/>6 property run pick it up and bring it back up?</p> <p>7 A Absolutely.</p> <p>8 Q Okay. What is your understanding of your obligations to<br/>9 maintain property that is seized pursuant to a search<br/>10 warrant when you're the affiant?</p> <p>11 A All I know is that once I put it in property, I would<br/>12 assume that the property officer maintains it<br/>13 appropriately.</p> <p>14 Q All right. Now, it's -- it's subject to legal debate and<br/>15 interpretation, and I'm sure I'm probably going to get an<br/>16 objection as to form and foundation, but are you aware<br/>17 that there's a statute that makes you as the affiant<br/>18 responsible for the safekeeping of that property?</p> <p>19 A I'm not aware --</p> <p>20 Q Okay.</p> <p>21 A -- specifically, no. I would say I maintained that<br/>22 property until it went and got transferred out of my<br/>23 possession appropriately through legal means.</p> <p>24 Q So in 2015, were you made aware of the settlements reached<br/>25 between Mr. Antol and the prosecutor's office?</p> |
| <p style="text-align: right;">Page 34</p> <p>1 because then they would take over the chain of evidence,<br/>2 bring it down, drop it off to Bill Evans. If Bill's not<br/>3 there, they would put it in a locker that Bill could then<br/>4 receive it the next day and chain of evidence it.</p> <p>5 Q Okay. So there we go. So now that answers my question<br/>6 because on a day-to-day basis, it's not even physically in<br/>7 the same building as you, correct?</p> <p>8 A Oh, no. Once -- at least once a week, unless we got a ton<br/>9 of seizures that needed -- that we didn't have room in our<br/>10 Muskegon property room, at least once a week they'd run<br/>11 down all the property.</p> <p>12 Q So if you needed to get a piece of property, say, to go to<br/>13 a prelim or a suppression hearing or something of that<br/>14 nature, how do you go about getting it?</p> <p>15 A Then I would contact the property room manager, Bill<br/>16 Evans.</p> <p>17 Q Would you have to go down there and physically sign it<br/>18 out?</p> <p>19 A I would either -- it'd depend. I'd e-mail him or ask him<br/>20 to bring it. Rarely did I have to get property out. Like<br/>21 if it was a big case, then I'd -- then I'd go down there,<br/>22 get a box of property, the specific items the prosecutor's<br/>23 office wanted, and I would check it out to me, bring it up<br/>24 to Muskegon and it would be assigned to me and I'd do a in<br/>25 and out of the locker, --</p> | <p style="text-align: right;">Page 36</p> <p>1 A The forfeiture settlement or the criminal settlement?</p> <p>2 Q Both.</p> <p>3 A I -- I recall I think he did like just shy of a year in<br/>4 jail or something like that. I mean I don't recall the<br/>5 specifics. I don't even care.</p> <p>6 Q All right. Well, let's just focus on the forfeitures<br/>7 because --</p> <p>8 A Okay.</p> <p>9 Q Were you aware that there were four separate forfeiture<br/>10 cases filed by the prosecutor's office?</p> <p>11 A No, I didn't deal with forfeiture besides taking it.</p> <p>12 Q Did anybody at any time make you aware that the forfeiture<br/>13 settlement agreement required all property seized from Mr.<br/>14 Antol that did not contain THC to be returned to him?</p> <p>15 A No, --</p> <p>16 Q Were you --</p> <p>17 A -- not that I recall.</p> <p>18 Q Were you aware that there was a written settlement<br/>19 agreement for the forfeitures?</p> <p>20 A Not to my knowledge. None of that stuff goes to me. It<br/>21 goes -- it's above my pay grade, goes through a lieutenant<br/>22 or sergeant on the team.</p> <p>23 Q So when there's a resolution of a forfeiture case and<br/>24 property is to be returned, you have nothing to do with<br/>25 it, correct?</p>   |

9 (Pages 33 to 36)

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| <p style="text-align: right;">Page 37</p> <p>1 A That's not true. If -- if a property agreement's been<br/>2 reached, they, you know, contact Bill Evans or they might<br/>3 contact Fias, and there are times, so we'll say in a car,<br/>4 if we seize a car and Bill Evans says, "Hey, this<br/>5 agreement's been made. Here's the receipt. You need to<br/>6 have the person sign it. Go deliver the car back to 1, 2,<br/>7 3, 4, 5 Main Street," then I would do that.</p> <p>8 Q Were you involved at all in returning some of the property<br/>9 to Mr. Antol in this case?</p> <p>10 A I -- I don't recall. I doubt it. I would have assumed<br/>11 that he probably had to go to Fillmore and retrieve it.<br/>12 So a lot of times if -- because it's held at Fillmore, you<br/>13 know, if -- if we had a car for over a month, it'd be<br/>14 brought to Fillmore. If we had, you know, any other<br/>15 property that wasn't large, we'd ship it down right away,<br/>16 right, and so rarely did we have to go get the stuff and<br/>17 bring it back. Bill would just handle it down there.<br/>18 Someone would show up, they'd deal with their forfeiture<br/>19 agreement and sign the property in and out appropriately,<br/>20 and I didn't have anything to do with it. But there were<br/>21 times when I would return stuff because, you know,<br/>22 Muskegon was maintaining the vehicle because we had a<br/>23 bigger garage and, you know, I could drive the car back<br/>24 and I would get faxed or e-mailed over an agreement I<br/>25 would have to print out and keep two copies of or I'd keep</p> | <p style="text-align: right;">Page 39</p> <p>1 A Two days ago, I spoke to him and he said that -- something<br/>2 about the DVD had been -- some DVD had been destroyed or<br/>3 something like that because of this lawsuit and that there<br/>4 was some settlement. I think it was 1750 bucks that<br/>5 WEMET's attorney came up with to replace the DVD.</p> <p>6 Q Well, it's the DVR that we're talking about.</p> <p>7 A DVR.</p> <p>8 Q Right. But you recall seizing that from Apple Avenue,<br/>9 correct?</p> <p>10 A I seized tons of property from there, --</p> <p>11 Q Okay.</p> <p>12 A -- so I don't recall that specifically.</p> <p>13 Q Well, right. And I got --</p> <p>14 A I'm sure -- I'm sure I did.</p> <p>15 Q -- I got sidetracked over Tryston's phone, too. We were<br/>16 talking about that and I finally dropped it. But at the<br/>17 end of the day, as you guys were getting ready to leave to<br/>18 go over to Green Creek, do you recall discussing with Mr.<br/>19 Antol having Tryston return so you could get a cell phone<br/>20 from him?</p> <p>21 A There was some point when I was there that a detective or<br/>22 a sergeant indicated that there was a phone that Derek had<br/>23 handed off to somebody, and he had his attorney present on<br/>24 scene, Mr. Wistrom, and I explained to Mr. Wistrom that he<br/>25 needed to return the cell phone as it was -- should have</p>   |
| <p style="text-align: right;">Page 38</p> <p>1 a copy and give a copy to the claimant.</p> <p>2 Q Were you aware that not all of the property seized from<br/>3 East Apple was listed in the forfeiture complaint?</p> <p>4 A No.</p> <p>5 Q Do you have any idea why the DVR was not listed in the<br/>6 forfeiture complaint?</p> <p>7 A I do not know.</p> <p>8 Q Were you aware at all that some of the property was<br/>9 returned after the settlement but other parts of it were<br/>10 held?</p> <p>11 A I would say I don't have direct knowledge of any of that<br/>12 like what was returned and what was not, no.</p> <p>13 Q Were you aware of any kind of a policy within WEMET about<br/>14 not returning recordings that had undercover officers on<br/>15 them?</p> <p>16 A No, not that I believe so. I wasn't aware of any direct<br/>17 policy, no.</p> <p>18 Q Did you ever discuss -- well, let me ask it a different<br/>19 way. In late 2015 and early 2016 -- well, you were gone<br/>20 in January, so up until the time you left, were you aware<br/>21 that I was raising a stink over the missing property<br/>22 through Lieutenant Fias?</p> <p>23 A I don't really recall, sir.</p> <p>24 Q Did you ever have a discussion with him about Antol's<br/>25 property that you recall?</p>   | <p style="text-align: right;">Page 40</p> <p>1 been secured in the first place as the whole location was<br/>2 secured, and, two, if they did not return it, then<br/>3 potentially there's some obstruction issues there because<br/>4 the search warrant clearly said all electronics, and Mr.<br/>5 Wistrom directed Mr. Antol to bring it back there. I -- I<br/>6 went through his attorney to figure out if we could get<br/>7 that back or not.</p> <p>8 Q Was Derek -- I know you can't tell us what he did or<br/>9 didn't hear, but was he within earshot of that<br/>10 conversation?</p> <p>11 A I believe he was standing right next to Kevin and I was<br/>12 talking directly to Kevin.</p> <p>13 Q So did you tell them that if they didn't bring it back,<br/>14 you would damage the business?</p> <p>15 A No, sir, not at all.</p> <p>16 Q If the phone was handed off to Tryston and he left prior<br/>17 to the search warrant being obtained, then what would be<br/>18 the authority for demanding the return of the phone?</p> <p>19 A I asked for it under the authority of the search warrant<br/>20 through the attorney. And my assumption was because it<br/>21 should have been secured in the first place, it shouldn't<br/>22 have left. Now, at that time, his attorney didn't object,<br/>23 his attorney had him bring the phone back.</p> <p>24 Q So Mr. Wistrom didn't think about what I just mentioned,<br/>25 the fact that the timing may not have covered the phone?</p> |

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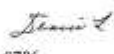
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|--|--|
| <p style="text-align: right;">Page 41</p> <p>1 What you're saying is that was --</p> <p>2 A I'm saying --</p> <p>3 Q -- that was never brought up to you at the time?</p> <p>4 A Correct, he did not bring it up. I do not know what he</p> <p>5 was thinking. But all I know is I asked for it. He</p> <p>6 gladly provided it -- or had Derek gladly provide it.</p> <p>7 Q And do you know in terms of timing had the phone already</p> <p>8 left the premises before you had the search warrant?</p> <p>9 A Oh, I have no idea.</p> <p>10 Q Okay. So your -- your thought process is that when the</p> <p>11 officers arrived, the whole scene should have been secured</p> <p>12 and it shouldn't have left because a warrant was pending?</p> <p>13 A Correct.</p> <p>14 Q Okay. Did you have any conversations with Kate Straus</p> <p>15 about the return of Mr. Antol's property?</p> <p>16 A She may have been the one that said, "Hey, that phone</p> <p>17 left. We need it back here."</p> <p>18 Q Oh, I'm sorry, I skipped -- I skipped scenarios on you.</p> <p>19 In 2015, when the forfeitures were settled, did you have a</p> <p>20 conversation with Kate Straus about returning the</p> <p>21 property?</p> <p>22 A The only thing I recall, and I believe it's in the prior</p> <p>23 deposition, is that there was one phone we could not get</p> <p>24 into, and I believe that was contentious on whether or not</p> <p>25 we should return something that potentially had evidence</p> | <p style="text-align: right;">Page 43</p> <p>1 the data that was on the DVR?</p> <p>2 A I don't recall.</p> <p>3 Q All right. Do you make a copy -- an electronic copy of</p> <p>4 the text message download off of Mr. Antol's phone?</p> <p>5 A I don't know if we -- I don't remember if we made a copy</p> <p>6 of it.</p> <p>7 Q Do you remember focusing on a few of the text messages</p> <p>8 that you thought were related to the marijuana business?</p> <p>9 A Likely.</p> <p>10 Q So I've asked you about conversations with Lieutenant Fias</p> <p>11 and Sergeant Straus. Do you recall having any</p> <p>12 conversations with anybody else in 2015 about the return</p> <p>13 of the property?</p> <p>14 A I mean not specifically.</p> <p>15 Q All right. As we sit here today, based on anything you've</p> <p>16 learned from any source except your attorney, do you have</p> <p>17 any clue why the DVR was withheld?</p> <p>18 A No. I can tell you that we've had property in the past</p> <p>19 incidentally be -- you know, when you hold -- I think</p> <p>20 there's a couple thousand pieces of property that are held</p> <p>21 down there that aren't clicked on correctly, you know. I</p> <p>22 think in the past, we've had one, you know, something slip</p> <p>23 through that was improperly or destroyed before the</p> <p>24 prosecutor's office wanted it destroyed, you know. But I</p> <p>25 think that thing happens anywhere.</p>                             |
| <p style="text-align: right;">Page 42</p> <p>1 on and the passcode would not be provided. I think that's</p> <p>2 what happened. And I think eventually you guys provided</p> <p>3 it and we got into it, downloaded it, and gave it back.</p> <p>4 But I can remember some disagreement about a specific item</p> <p>5 that we could not get into. So we didn't know if there</p> <p>6 was a murder that was on the phone, right, so we weren't</p> <p>7 going to give it back until we -- you know, possibly the</p> <p>8 technology updated in six months, you could, you know,</p> <p>9 download it. Make sense?</p> <p>10 Q Do you recall seeing the footage on the DVR?</p> <p>11 A Did I watch it; --</p> <p>12 Q Yes.</p> <p>13 A -- is that what you're saying? Okay. I do remember I</p> <p>14 think I went through several days -- myself and Detective</p> <p>15 Ginka went through several days of the DVR together. It</p> <p>16 was a lot of video that we went through for the</p> <p>17 prosecutor's office request, I think. I don't remember --</p> <p>18 Q Well, one of the things you watched was the two undercover</p> <p>19 buys from June of 2013, correct?</p> <p>20 A I don't recall.</p> <p>21 Q Okay. But do you recall also putting -- one of you</p> <p>22 putting sort of a summary of movements? It's in one of</p> <p>23 the reports.</p> <p>24 A Yeah, I think Detective Ginka did that for me.</p> <p>25 Q Okay. Do you recall being asked to make a copy of any of</p>      | <p style="text-align: right;">Page 44</p> <p>1 Q Well, have you had a property -- are you aware of any</p> <p>2 other time where a piece of property was destroyed after a</p> <p>3 court ordered it returned?</p> <p>4 A Oh, no, I don't. . . .</p> <p>5 Q Were you aware that Lieutenant Fias, at one point, claimed</p> <p>6 that there was a policy that any device that recorded an</p> <p>7 undercover officer had to be destroyed?</p> <p>8 A He's the boss and he's in charge of that stuff, so he --</p> <p>9 he would know if there was something in place</p> <p>10 specifically.</p> <p>11 Q But has he ever said anything like that to you?</p> <p>12 A I don't recall. I would just go back to the fact that</p> <p>13 he's in charge of all the teams and so if -- if it was a</p> <p>14 directive or a policy or a unwritten policy, then he would</p> <p>15 know more than I. And as I said before, the bosses are</p> <p>16 the ones in charge of how property works and he would have</p> <p>17 to approve -- it's my assumption he'd have to approve</p> <p>18 something getting returned or Bill would have to run it by</p> <p>19 him.</p> <p>20 Q They wouldn't have to approve it if a court's ordered it,</p> <p>21 would they?</p> <p>22 A I don't know. Like I said before, that's way above my pay</p> <p>23 grade. I don't deal with evidence besides taking it in</p> <p>24 and giving it to somebody else.</p> <p>25 Q On July 19th, did you go to North Green Creek?</p> |

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| <p style="text-align: right;">Page 45</p> <p>1 A Nineteenth?</p> <p>2 Q July 9, 2014. Sorry.</p> <p>3 A I believe so, yes.</p> <p>4 Q Did you go to Farr Road?</p> <p>5 A I don't believe so.</p> <p>6 Q Did you discuss at all with Mr. Bringedahl his activities</p> <p>7 at Green Creek?</p> <p>8 A Just -- I think just that he secured it because there was</p> <p>9 some movement of traffic stop and maybe some narcotics or</p> <p>10 marijuana specifically was located in the vehicle. But</p> <p>11 that was afterwards.</p> <p>12 Q But this is a vehicle that arrived while the police were</p> <p>13 there, correct?</p> <p>14 A I don't know. I wasn't there.</p> <p>15 Q I know, but I'm just -- I'm looking for what he told you.</p> <p>16 A I don't recall specifics of what he said three, four years</p> <p>17 ago.</p> <p>18 Q Did you have any conversations with Kate Straus about her</p> <p>19 behavior at Green Creek?</p> <p>20 A She was the boss, so I would never question my boss's</p> <p>21 behavior.</p> <p>22 Q Not question, but did she say anything to you about what</p> <p>23 she did while she was at Green Creek?</p> <p>24 A I don't -- I thought she went from Green Creek -- or from</p> <p>25 Apple with me to Green Creek 'cause we were at Apple a</p> | <p style="text-align: right;">Page 47</p> <p style="text-align: center;">CERTIFICATION</p> <p>I certify that this transcript, consisting of<br/>pages, is a complete, true, and correct record of the<br/>testimony of Adam Dent taken in this case on May 10, 2018.</p> <p>I also certify that prior to taking this deposition,<br/>Adam Dent was duly sworn to tell the truth.</p> <p>I also certify that I am not a relative of, employee<br/>of, or an attorney for a party, nor am I financially<br/>interested in the action.</p> <p>Dated: May 11, 2018</p> <p style="text-align: right;"><br/>Denise L. Jamba, CER 0786<br/>Notary Public, State of Michigan<br/>Kent County<br/>My commission expires: October 13, 2019</p> <p style="text-align: center;">47</p> |
| <p style="text-align: right;">Page 46</p> <p>1 long time and Green Creek was held, searched maybe a</p> <p>2 little bit, but held for a long time.</p> <p>3 Q All right. Have you had any conversations with Casey</p> <p>4 Trucks about what happened at Green Creek prior to your</p> <p>5 arrival?</p> <p>6 A No, not that I recall.</p> <p>7 Q Was Mr. Trucks at East Apple while you were there?</p> <p>8 A I don't recall.</p> <p>9 Q Okay.</p> <p>10 A I don't recall who I gave the search warrant to at North</p> <p>11 Green Creek. I remember Trucks and Bringedahl and maybe</p> <p>12 one other person were up on Green Creek, so I could have</p> <p>13 given him the search warrant, but I don't remember --</p> <p>14 Q Okay.</p> <p>15 A -- specifically. I'd have to look at the reports even if</p> <p>16 I put it in there.</p> <p>17 MR. BOSTIC: That's all I have.</p> <p>18 MR. SADOWSKI: I don't have any questions.</p> <p>19 MR. BENSON: I don't have any questions.</p> <p>20 (At 2:39 p.m., deposition concluded)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   |   |

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Electronically signed by Denise Jamba (201-416-679-6803)

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